

ZONING BOARD OF ADJUSTMENT

SERVING CASCADE COUNTY, MONTANA

Hybrid Meeting Format:

Courthouse Annex Room 105

325 2nd Ave. N.

Great Falls, MT 59401

Online Zoom Meeting ID: 818 5972 2611

Go to <https://us02web.zoom.us/j/8185972611> to join

Toll-Free: 888-788-0099 or 877-853-5247

Board Members: Dexter Busby, David Deffinbaugh, Kathryn Hanning, John Harding, and Ken Thornton.

AGENDA

**03/16/2023
9:00 AM**

1. Call To Order

2. Roll Call

3. Draft Meeting Minutes

3.I. Minutes

- i. Draft Meeting Minutes for Feb. 16, 2023

Documents:

[ZBOA DRAFT MINS 2-16-23.PDF](#)

4. Old Business

- 4.I. None

5. New Business

5.I. Special Use Permit #004-2023, Submitted By Zachary Dreher For A Second Dwelling

- i. Staff Report Presented by Raina Leavens, Planner

- ii. Board Discussion

- iii. Public Hearing

- iv. Board Discussion & Action

Documents:

[SUP 004-2023 STAFF REPORT.PDF](#)

[FINDINGS OF FACT SUP 004-2023 DREHER.PDF](#)

[SUP 004-2023 APP DREHER.PDF](#)

VICINITY MAP SUP 004-2023.PDF
ZONING MAP SUP 004-2023.PDF
APPLICABLE ZONING REGULATIONS.PDF

5.II. Special Use Permit #005-2023, Submitted By Mark & Cortni Harant For A Tourist Home

i. Staff Report Presented by Kevin Angland, Planner

ii. Board Discussion

iii. Public Hearing

iv. Board Discussion & Action

Documents:

SUP 005-2023 STAFF REPORT.PDF
SUP 005-2023 FINDINGS OF FACTS.PDF
SUP 005-2023.PDF
VICINITY_MAP.PDF
ZONINGMAP.PDF
GREAT FALLS TOWNSITE 7TH ADD..PDF
NOV.PDF
APPLICABLE REGULATIONS.PDF
ALL COMMENTS.PDF
TFFANY B. COMMENT.PDF

5.III. Special Use Permit #006-2023, Submitted By Karl Birky For A Second Dwelling

i. Staff Report Presented by Raina Leavens, Planner

ii. Board Discussion

iii. Public Hearing

iv. Board Discussion & Action

Documents:

SUP 006-2023 STAFF REPORT.PDF
SUP 006-2023 FINDINGS OF FACT.PDF
SUP APP 006-2023 BIRKY.PDF
VICINITY MAP.PDF
ZONING MAP.PDF
APPLICABLE ZONING REGULATIONS.PDF

6. Board Matters

7. Public Comments On Other Matters Within The Board's Jurisdiction

8. Adjournment

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CASCADE COUNTY
ZONING BOARD OF ADJUSTMENT

2/16/2023

09:00 AM

Hybrid Online/Zoom Online Video Meeting

Board Members: *Dexter Busby, David Deffinbaugh, Kathryn Hanning, John Harding, and Ken Thornton.*

NOTICE: PURSUANT TO MCA 2-3-212(1), THE OFFICIAL RECORD OF THE MINUTES OF THE MEETING IS IN AUDIO FORM, LOCATED AT CASCADECOUNTYMT.GOV AND THE PLANNING OFFICE. THIS IS A WRITTEN RECORD OF THIS MEETING TO REFLECT ALL THE PROCEEDINGS OF THE BOARD. MCA 7-4-2611 (2)(B). TIMESTAMPS ARE INDICATED IN RED, WITHIN EACH AGENDA ITEM BELOW, AND WILL DIRECT YOU TO THE PRECISE LOCATION SHOULD YOU WISH TO REVIEW THE AUDIO SEGMENT.

THESE MINUTES ARE PARAPHRASED AND REFLECT THE PROCEEDINGS OF THE CASCADE COUNTY ZONING BOARD OF ADJUSTMENTS AND ARE CONSIDERED A DRAFT UNTIL FORMALLY APPROVED BY THE ZONING BOARD OF ADJUSTMENTS.

STAFF ATTENDEES: Kevin Angland, Carey Ann Haight, Raina Leavens, Alisha Osborne, Charity Yonker.

PUBLIC ATTENDEES: Lori Hopp, Art Kirby, Lacey Kirby, John Meyer, Frank Tabish, Clint Urick.

1. CALL TO ORDER: John Harding called the meeting to order at 09:00 AM [00:01:04].

2. ROLL CALL:

BOARD MEMBERS PRESENT: Dexter Busby, David Deffinbaugh, Kathryn Hanning, John Harding, and Ken Thornton.

BOARD MEMBERS ABSENT: None.

3. APPROVAL OF THE MINUTES :

A. Draft Meeting Minutes for Dec 15, 2022 [00:01:42]

1. Board Discussion & Decision

John Harding: Asks if there are any corrections or changes. Hearing none, he says he will accept a motion.

Kathryn Hanning: Says, "So moved".

David Deffinbaugh: Seconds the motion.

John Harding: Calls for the vote.

All in Favor, motion carries 5 – 0.

4. OLD BUSINESS: None.

5. NEW BUSINESS:

A. Board Election of Officers [00:02:09]

John Harding: Says annually, we elect our officers and currently we have John Harding as the Chair (myself) and Ken Thornton as Vice Chair. At this point, I am willing to continue this role. Mr. Thornton is willing but would gladly accept anyone else.

Kathryn Hanning: Says sorry, we will laugh about this. She asks if we need a motion.

John Harding: Asks if there are any other candidates willing to give it a shot.

David Deffinbaugh: Says he will do it if Mr. Thornton does not want to.

Ken Thornton: Says he will nominate Mr. Deffinbaugh as Vice Chair.

John Harding: Asks Mr. Thornton if he had to run one (1) or two (2) meetings last year.

Ken Thornton: Says two (2), I think.

John Harding: Says he will not make the nomination, he will ask the Board to do it.

Dexter Busby: Says he will nominate Mr. Harding for Chairman.

Kathryn Hanning: Says she will nominate Mr. Deffinbaugh for Vice Chair.

John Harding: Says we have John Harding and Dave Deffinbaugh for Chair and Vice Chair. He asks if there are any other candidates. Hearing none, he asks for a motion.

Dexter Busby: Motions to approve.

Kathryn Hanning: Seconds the motion.

John Harding: Asks if there is any discussion. He asks Mr. Deffinbaugh if he is sure. He calls for the vote.

All in Favor, motion carries 5 – 0.

B. Extension Request for Special Use Permit Application #011-2021, Submitted by Russell Martello for Tourist Cabins [00:03:57]

Kevin Angland: Says thank you, Mr. Chair. This item actually needs to be pulled from the agenda, as we received the septic permits yesterday, and it does not expire until Monday so we will be able to permit it before the previous extension deadline expires.

John Harding: Says that is still confusing as the permit expires three (3) days from now.

Kevin Angland: Says the conditionally approved Special Use Permit was going to expire on Monday, so the Applicant was going to request an extension because they had yet to receive the septic permit, which was the last item needed to meet the conditions of approval. They received it yesterday at about four (4) o'clock and the Special Use Permit expires on Monday.

John Harding: Says so it came down to the last hour.

Kevin Angland: Says yes. They will no longer need an extension.

John Harding: Asks if the Applicant had started any work on that project.

Kevin Angland: Says it was a post-work Special Use Permit, so they had already built the structures and they were changing them to tourist cabins.

John Harding: Says okay.

Kevin Angland: Says this will remedy a violation.

John Harding: Says okay.

C. Special Use Permit #019-2022, Submitted by Someday Ranch, Inc for an Event Center [00:05:36]

1. Raina Leavens presents the Staff Report.

Motions Presented for the Board's Consideration:

A. Move that Special Use Permit #019-2022 to allow an Event Center on Parcel #2598100 be denied due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or

B. Move the Board to adopt the Staff Report in its entirety and approve Special Use Permit #019-2022 to allow an Event Center on Parcel #2598100 subject to the following conditions:

1. The Applicant obtains any other required county, state, or federal permits and approvals, and complies with the respective laws, rule, regulations and ordinances.

2. Board Discussion [00:10:08]

John Harding: Asks if there are any questions for Staff. Hearing none, he asks when the use as a church stopped.

Raina Leavens: Says she is not sure, but it is currently used for stained glass making, and they do the classes in the basement.

3. Public Hearing opens at 09:09 AM, [00:10:38].

Lacey Kirby of 1325 Smelter Ave NE: Says she is hoping to provide the community with another place for small gatherings under one hundred (100) people and to utilize an existing building that would otherwise be empty. People who may have attended services there may like to utilize it for sentimental reasons. No structural changes would be necessary as the parking lot already exists. No food or beverages would be served, so people would need to source those from the surrounding businesses, thus boosting the local economy.

John Harding: Says thank you.

Public Proponents: None.

Public Opponents: None.

General Public Comments Regarding Special Use Permit Application #019-2022: None.

Public Hearing closes at 09:57 AM.

4. Board Discussion & Action: [00:12:26]

Ken Thornton: Moves to adopt the Staff Report.

Kathryn Hanning: Seconds the motion.

John Harding: Says we have a motion and a second and asks if there is further discussion.

Kathryn Hanning: Says she thinks that is good news.

John Harding: Calls for the vote.

All in Favor, motion carries 5 – 0.

John Harding: Says he knows the process seems weird, but that is the process that has to happen, but it is pretty straight forward. Good Luck.

Lacey Kirby: Says thank you guys.

D. Special Use Permit Application # 001 -2023, Submitted by LHC, Inc for a Quarry [00:13:44]

1. Kevin Angland presents the Staff Report.

Motions Presented for the Board's Consideration:

A. Move that Special Use Permits #001-2023 to allow a quarry on Parcel #2021091 be **denied** due to (*Board must make findings delineating the legal reason for denial*); **or**

B: Move the Board to adopt the Staff Report in its entirety with Findings of Fact and Conclusions and **approve** Special Use Permits #001-2023 to allow a quarry with rock crushing, on Parcel #2021091, subject to the following conditions:

1. The Applicant obtains any other required county, state, or federal permits and approvals, and comply with the laws, rules, regulations, and/or ordinances associated with any other permits and approvals.
2. Applicant obtains an approved Subsurface Wastewater Treatment System Permit from the City-County Health Department prior to installation of any wastewater treatment system.
3. Hours of operation must be limited to 7 a.m. to 5 p.m.
4. In the case of an open excavation there shall be a substantial fence, suitable gates, completely enclosing the portion of the property which the excavation is located in, and such fence shall be located at all points forty (40) feet or more from the edge of excavation.
5. No cement plant, grinding, or polishing or cutting machinery, or other chemical process for treating the product of such quarry shall be permitted.
6. In the case where excavation activity is discontinued, the excavation shall be restored in accordance with Open Cut Mining Reclamation guidelines (see MCA § 82-4-400, *et seq.*).

Kevin Angland: Says yesterday I did speak to the Applicant and they do have intentions of using an asphalt plant, and per [Cascade County Zoning Regulations (CCZR)] Section 8.1.5, which has the provision where rock crushing could be permitted with approval of the Zoning Board of Adjustment, outside of the Heavy Industrial District.

2. Board Discussion [00:20:30]

John Harding: Says that is a good bit of information there and asks if there are questions for Staff.

Kathryn Hanning: Asks whether the Applicant had informed the Department yesterday that they would like to have the asphalt plant included in the plans.

Kevin Angland: Says I was under the impression while going through the packet that the Applicant was going to be doing rock crushing, but not an asphalt plant. With the addition of that information, it does fall under [CCZR] Section 8.1.5 in that it can be allowed with your approval.

Dexter Busby: Says you actually have that at the bottom [of the page] here, on page one (1).

Kevin Angland: Says yes, the MCA that is stated on page one (1) states that we can only condition the permit, but we cannot deny it.

John Harding: Asks if the mining is a temporary use and if the use will end.

Charity Yonker: Says yes.

Kevin Angland: Says if they discontinue the operation for over a year, the applicant would have to reapply for a new permit. I spoke with the Applicant yesterday and went over that, and they stated it would be intermittent, so they will have to ensure it continues or repeat the process over again.

Dexter Busby: Says on item number five (5), where it says, “or other chemical process”, I am not sure I like the way the last piece of that is written. When you make asphalt cement, it is affected by a chemical process.

Kevin Angland: Says if the Board prefers, you may discuss it amongst yourselves and re-word the condition.

Charity Yonker: Says what we have done in the past, such as in the actual condition on top, we say “to allow a quarry with rock crushing”, and then you would also add the chemical processing wording to the condition, and then remove that from number five (5).

Dexter Busby: Says he thinks the language needs to be added in there, and he can define it either way.

John Harding: Says we should discuss after we have the public hearing.

3. Public Hearing opens at 09:23 AM, [00:23:39].

Frank Tabish of PO Box 7338, Kalispell, MT: Says he is representing LHC, Inc and they were recently awarded a highway project on I-15 north and south of Power. We intend to make about fifty (50) thousand tons of plant mixed asphalt. We spoke with Mr. Angland regarding item number five (5). We are making asphalt and so there is a re-work of item five (5) that he references, to include asphalt and concrete production. The hours of operation imposed are a little restrictive for the type of work that needs to go on there. The open cut operations immediately north of there has hours of operations that are seven (7) [a.m.] to seven (7) [p.m.]. That seems more reasonable, and I would ask for extended hours of operation conditioned by reasonable public notice of sixty (60) days from six (6) a.m. to nine (9) p.m. as a temporary exception to the seven (7) to seven (7) rule. We do not intend this to be a retail operation, just to service highway projects in the vicinity. That is all I have and will be happy to answer any questions while you deliberate. Mr. Angland has a draft of the application packet we intend to submit to Department of Environmental Quality.

John Harding: Says thank you.

Public Proponents: None.

Public Opponents:

Lori Hopp of 438 Gordon Road, Vaughn, MT: Says her property borders the Applicant’s [proposed project] property, and there is already a gravel pit nearby and the road is horrible. She says they have five miles of gravel, and with trucks coming in and out it will only get worse, as there are so many bumps and there is a hole in the Frontage Road going into Vaughn. The main concern is the maintenance of the gravel road, and that is just with the Gordon pit operation. We cannot imagine what conditions would be like with a second gravel pit. She asks if they are going to keep the pit on top or whether they will slope into the valley, because her property covers twenty-three (23) acres and they cover the whole area. She describes the location of the current pit from her property, and the before and after effects of the gravel pits on the property. She says she is curious as to how the pit will affect the nearby properties, and that she does not agree with the extended hours of operation. She thanks the Board for their time.

General Public Comments Regarding Special Use Application # 001-2023 : None.

Public Hearing closes at 09:29 AM.

4. Board Discussion & Action: [00:30:40]

John Harding: Says there are a couple of items that needs to be discussed, specifically items number three (3) and five (5). Item five (5) may need to be removed, and the number three (3)

item for hours of operation. We have another document here where we are talking about a similar thing for gravel facilities and hours of operation, which are seven (7) to seven (7). He asks whether there are criteria set up for hours of operations already, as it would be nice to have a set of rules on which to base the decision. The seven (7) to five (5) was a surprise to see as it was different than what was done in the past. He explains the connection with weather and seasonal ability for construction-based work in the region and explains that from a construction owner point of view, one does not begin work prior to seven (7) a.m. out of politeness to the neighbors. He says he would like to further discuss that and the hours of operation.

Dexter Busby: Says he thinks they should discuss the road.

Kathryn Hanning: Agrees.

Dexter Busby: Says the extra heavy vehicles will tear up the gravel road if it is not routinely maintained.

Kathryn Hanning: Asks if the road materials and condition are included in the Finding of Fact.

Kevin Angland: Says they are in the Finding of Fact and includes comments from Montana Department of Transportation (MDT) and [Cascade County Public Works] Road and Bridge and neither one of them expressed concerns or comments.

Dexter Busby: Says he thinks it will tear the road up quickly.

John Harding: Says that becomes an unfortunate byproduct of the project, and it is more of a state or county issue than a Zoning Board of Adjustment issue, although it is going to be a problem.

Dexter Busby: Says it is one we need to recognize.

Ken Thornton: Asks if there are limits on these roads.

Kevin Angland: Says Montana Department of Transportation (MDT) and Road and Bridge did not mention anything about that in their comments. We will have to look into that.

Ken Thornton: Says that there are limits to gross vehicle weight on some roads and due to that, United Materials took over maintaining the road and bringing that standard up. That might be something to consider.

John Harding: Says that feels like it is above his paygrade to begin talking about responsibility to maintain and repair roads, although he is familiar with the road Mr. Thornton mentioned.

Ken Thornton: Says he was wondering if it is feasible for the county to put limits on gross vehicle weight.

Multiple Board Members: *[Inaudible]*.

John Harding: Says it would be interesting.

Kathryn Hanning: Says it would be nice for staff.

Ken Thornton: Says a Special Use Permit takes it into account the plans for the boards.

Dexter Busby: Says *[Inaudible]*.

John Harding: Says I believe so.

Kathryn Hanning: Says that is the concern.

John Harding: Says we have discussed that, though I do not think we have a resolution on the hours of operation. He says he believes it needs to be adjusted to the seven (7) to five (5) that is on the report and potentially add in that the operation will likely include seven (7) days a week, as it does not appear to be in there. Perhaps it does not need to be and is implied with the way it is written.

Dexter Busby: Says he thinks they need a motion to change the hours.

Kathryn Hanning: Asks Mr. Busby if he is going to read the motion.

Dexter Busby: Says he was going to move to change the hours of operation.

Kathryn Hanning: Asks Mr. Busby if he will just read the full motion.

Dexter Busby: Says we can, or we can move ahead. Either way, it makes no difference whether it is adjusted before or after the motion is made.

Charity Yonker: Asks if she may make a comment before the Board moves to the motion.

Dexter Busby: Affirms.

Charity Yonker: Says that in CCZR Section 8.1.5 it allows operations for the use to be limited to seven (7) a.m. to seven (7) p.m. so that is already written as a requirement of the zoning regulation. As far as extending that time to encompass more hours, that would be a variance from the regulations, and we do not have a variance application before us.

John Harding: Says he would be more comfortable with the seven (7) to seven (7). We have seen this in the past and established it as part of our document that we deal with.

Dexter Busby: Says he did not realize that.

John Harding: Asks if it is appropriate to remove paragraph number five (5) due to the asphalt batching.

Dexter Busby: Says he thinks that is *[inaudible]* question.

John Harding: Affirms.

Charity Yonker: Says if that is what the Board is going to authorize them to do, then just remove five (5) altogether.

John Harding: Says okay.

Charity Yonker: Says that condition is not a prohibition, it just requires Zoning Board of Adjustment's approval.

John Harding: Asks if there is any other discussion.

Kathryn Hanning: Says if we remove number five (5) in its entirety, that would mean they could also grind, polish and cut. She asks Mr. Busby if he was asking about the chemical process to be added and whether he intended to exclude the other stuff and just leave chemical.

Dexter Busby: Says when you start talking about polishing and cutting you can throw that in the crushing equipment anyway, so I am not sure if removing it is not the proper thing to do.

Kathryn Hanning: Says well, there you go.

Dexter Busby: Says we will figure it out.

Ken Thornton: Says one thing he would look at is that we seem to have in our regulations two (2) types of gravel pits. We have one (1) that are in industrial locations and then the ones that are just out in the farmland. The neighbors are taken care of in industrial situations, where in farmland with residential and suburban, it is a different aspect. He says he likes the idea of limiting what we allow and what the residents allow. In this case, just put in allowing asphalt.

Kathryn Hanning: Asks whether he want to leave condition five (5) in and make another change to five (5).

Ken Thornton: Says he would just add that asphalt plants are permitted.

John Harding: Asks if it does not already state that on page one (1) under general comments, as mentioned earlier it mentions "mixes concrete or batches asphalt in all zones other than residential...".

Ken Thornton: Says he just hates setting the precedent of getting rid of number five (5). If we do it now, people will ask why it was not done for them.

Dexter Busby: Says we do not want conflicting statements in there.

Ken Thornton: Says we have always had this statement, it seems like.

Dexter Busby: Says it was more of a general statement.

Ken Thornton: Says it is pretty much required.

Carey Ann Haight: Says yes and no, facts are that they condition something, and conditions are based on the particular project that the Board is entertaining, but if you want to leave the language in there, perhaps rather than having a period at the end of that statement, you can propose something like "except as necessary for asphalt production and manufacturing". In that sense you can condition what is happening to that asphalt plant utilization, as a compromise.

Ken Thornton: Says his point is that there is a lot of gravel out there, and we do not have to allow pits every place. There are alternatives for the gravel, so it is not really important, but every one is going to have its own set of problems. This one has been there before.

Kathryn Hanning: Says yeah.

Ken Thornton: Says yes, I see that.

Kathryn Hanning: Says she thinks that the way the motion reads on number five (5), that little extra sentence in there, the motion is a very important legal document, and the Finding of Fact is great, but the motion is as well.

Dexter Busby: Says it cannot conflict with what is in there.

Ken Thornton: Says we can change five.

Kathryn Hanning: Says leave it in there and make the sentence having to do with asphalt, as Ms. Haight suggested.

Ken Thornton: Says yes, but that would be worded *[inaudible]*.

Dexter Busby: Says the wordsmith is right across the table.

Charity Yonker: Says as it is written, and correct me if I am wrong, instead of ending it with a period, put a comma and put "except for asphalt production".

Dexter Busby: Says asphalt, concrete, those things.

Charity Yonker: Says asphalt, concrete and road mix production.

Dexter Busby: Says there are multiple designs depending on what the layer is.

Kathryn Hanning: Moves to approve.

Dexter Busby: Seconds the motion.

John Harding: Says we have a motion and a second and asks if there is further discussion.

Dexter Busby: Says he has a question about the view shed changes.

Kathryn Hanning: Says yes there was a question on where the pit was going.

Frank Tabish: Asks for the vicinity map and explains the topography of the intended area which is heading east. *[He indicates the project location on the vicinity map]*. He says they will be screened and that it will drain internally.

John Harding: Says alright, a motion and a second and asks for discussion. Hearing none, he calls for the vote.

All in Favor, motion carries 5 – 0.

Frank Tabish: Asks if there are any forms to sign.

Kevin Angland: Says they do not, the Zoning Compliance Form we will just make sure all the conditions are met. It will be signed by Ms. Yonker. She is the Planning Director.

Charity Yonker: Says that does not get signed until you have met all the conditions of the Special Use Permit.

Kevin Angland: Says we will just verify they have been met by coming out and doing a site visit, or we use pictures that are sent in, and any other required permits.

E. **Special Use Permit Application #002-2023, Submitted by Penny and David Urick for a Second Dwelling** [00:52:21]

1. **Kevin Angland presents the Staff Report.**

Motions Presented for the Board's Consideration:

A: Move that Special Use Permits #002-2023 to allow a second dwelling on Parcel #5038710 be **denied** due to (*Board must make findings delineating the legal reason for denial*);

Or

B: Move the Board to adopt the Staff Report in its entirety with Findings of Fact and Conclusions and approve Special Use Permits #002-2023 to allow a second dwelling, on Parcel #5038710, subject to the following conditions:

1. The Applicant obtains any other required county, state, or federal permits and approvals, and comply with the laws, rules, regulations, and/or ordinances associated with any other permits and approvals.
2. The Applicant obtains an approved Subsurface Wastewater Treatment System Permit from the City-County Health Department prior to use or installation of any wastewater treatment system.
3. The Applicant must lift the sanitary restriction placed on approximately 2.074 acres of Tract 1 as shown on Certificate of Survey #3443 that prohibits any dwelling or structure requiring water or sewage where the proposed second dwelling is intended on being placed.
4. Applicant obtains addressing from the GIS Department for E911 purposes.

2. **Board Discussion** [00:57:01]

John Harding: Asks if there are questions for the Staff. Hearing none, he opens the Public Hearing.

3. **Public Hearing opens at 09:56 AM,** [00:57:08].

Clint Urick of 49 5th St, Belt, MT: Says he has dad on the phone, who is the applicant, and the plan is to build a second dwelling on his parents' property for his parents, in order to care for them as they age. He asks his father if he has anything to add. [*His father has nothing to add*].

John Harding: Says thank you.

Public Proponents: None.

Public Opponents: None.

General Public Comments Regarding Special Use Permit Application #002-2023: None.

Public Hearing closes at 09:57 AM.

4. **Board Discussion & Action:** [00:58:43]

Ken Thornton: Asks if the Applicant placed the sanitary restriction on the property.

Kevin Angland: Says he thinks it was placed in the nineteen eighties (1980s). He explains that sanitary restrictions are common on surveys and they do require engineering to remove the

sanitary restriction. He says it is his understanding that on occasion they can be removed locally by Sandy Johnson, but occasionally gets sent to [Montana] Department of Environmental Quality and it can take some time.

Dexter Busby: Asks if there is any record of why [the sanitary restriction] was placed on there.

Kevin Angland: Says if there is a statement on the survey, he does not recall.

Dexter Busby: Says there was a reason.

Kevin Angland: Says we see them more often now to speed up subdivision.

Charity Yonker: Says it is to get out of the subdivision review process.

Dexter Busby: Says there has got to be a technical reason for it.

Charity Yonker: Says it was a quick way at the time to get the property divided and whatever use they wanted at that time. She says she has got this one [survey], hold on [*brings up the electronic survey on the computer*].

Kevin Angland: Says there is the survey, and it does not appear to contain a statement as to why it [the restriction] was placed on the parcel. It was most likely done to speed things up. The survey was done in nineteen ninety-seven (1997).

Kathryn Hanning: Asks if that will need to go through the Department of Environmental Quality.

Kevin Angland: Says yes. I do not know for sure if Sandy Johnson will review this one locally or not, so most likely it will be [Montana] Department of Environmental Quality.

Kathryn Hanning: Asks if the Applicant understands that.

Kevin Angland: Says he let Mr. Urick know approximately two weeks ago, so they should be aware.

John Harding: Asks if there is any other discussion. Hearing none, he asks for a motion.

Kathryn Hanning: Says someone has to read it.

Ken Thornton: Moves to approve.

Kathryn Hanning: Seconds the motion.

John Harding: Says there is a motion and a second and asks if there is further discussion. Hearing none, he calls for the vote.

All in Favor, motion carries 5– 0.

Kathryn Hanning: Says if the Applicant has questions, they will have to call Mr. Angland.

Kevin Angland: Says the Applicant can give him a call.

Multiple Board Members: [*Inaudible*].

Kathryn Hanning: Says we have one sole survivor here.

John Harding: Says jokingly that they will try to take as long as they can.

F. Special Use Permit Application #003-2023, Submitted by John Meyer for a Gravel Pit. [01:03:14]

1. Raina Leavens presents the Staff Report.

Motions Presented for the Board's Consideration:

A: Move that Special Use Permit #003-2023 to allow the quarry and use of rock crusher on Parcel #4715200 be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied);

Or

B: Move the Board to adopt the Staff Report in its entirety and **approve** Special Use Permit #003-2023 to allow a quarry and use of rock crusher on Parcel #4715200 subject to the following conditions:

1. The Applicant obtains any other required county, state, or federal permits and approvals, and comply with the laws, rules, regulations, and/or ordinances associated with any other permits and approvals.
2. The Applicant must obtain an approved Cascade County Floodplain Permit for all unpermitted work done on the property in the Regulated Flood Hazard Area, including unpermitted past excavations, and any future work and/or storage of machinery/equipment on the property in the Regulated Flood Hazard Area.
3. Applicant must obtain an Opencut Mining Permit from DEQ if there is more than if there is commercial sale of the product extracted, or if during the excavation there is an intersection of water on the subject property.
4. Machines used for the gravel operation will be at least 200 feet from all adjacent property or street and highway lines.
5. The excavation shall be restored in accordance with Open Cut Mining Reclamation guidelines (see MCA § 82-4-400, *et seq.*).
6. No cement plant, or other crushing, grinding, or polishing or cutting machinery, or other physical or chemical process for treating the product of such quarry shall be permitted.
7. 5. The Applicant shall install a sight obscuring fence, berm or other such improvement along the site perimeter adjacent to the Mixed-Use District to the south. Said sight obscuring fence, berm or other such improvement shall be six (6) feet in height to sufficiently shield the line of sight from the adjacent Mixed-Use District.
8. In the case of an open excavation, there shall be a substantial fence, suitable gates, completely enclosing the portion of the property which the excavation is located in, and such fence shall be located at all points forty (40) feet or more from the edge of the excavation.
9. Hours of Operation for the above listed uses shall be limited to 7:00 a.m. to 7:00 p.m.
10. Applicant shall utilize Best Management Practices to control runoff and prevent sediment from reaching the Sun River. Examples of Best Management Practices are available at:
<https://www.mdt.mt.gov/research/projects/env/erosion.aspx>.
11. In the event, any active or inactive eagle nest(s) are identified on the property, a 0.5-mile buffer zone where no disturbances can occur must be established to prevent disturbing any golden eagle nesting sites, active or inactive.

2. **Board Discussion [01:11:14]**

John Harding: Asks if there are questions for Staff.

Dexter Busby: Says he thinks there is a conflict in number six (6).

Raina Leavens: Says it would be similar to the last one, where we would just add the grinding and crushing to the permit.

Dexter Busby: Says yes, because he is sure that is what they want to do.

Charity Yonker: Says we have it in the motion itself, where it says, 'use of the rock crusher'.

Dexter Busby: Says that is what he is saying, we cannot say we want to do it and then say they cannot.

Raina Leavens: Says she included it in there, in case you did want to include it, and it is there if it did not get approved, but we can remove it if need be.

Dexter Busby: Says he is not sure what the plant use for that would be aside from digging a hole and crushing some rock. He says he thinks that is all the activities planned.

John Harding: Asks if it is difficult to get a Floodplain Permit after the fact.

Charity Yonker: Says it can be.

John Harding: Says he assumes it would be, if it is after-the -fact.

Charity Yonker: Says yes, because it is a lot harder when people set up their operations already, and then have to modify the scope of operations.

John Harding: Says he assumes it would be similar requirements from the Department of Environmental Quality folks, as this is an after the fact thing that may have some difficulties. He asks about the aerial photos and remarks that it appears there was a previous pit that was used for a little while.

Charity Yonker: Says that is what it looks like.

John Harding: Says and the other one that is circled in blue, which is at the back of the property, and there does not appear to be a lot of residential activity going on there, so the two hundred-foot buffer works out okay. He asks if the Board's approval would allow the gravel operation to encroach on the highway in the residential area, and if the entire property could be used as a gravel pit.

Charity Yonker: Says yes.

John Harding: Says the residential area is right across the street, and he is curious if the gravel pit would be kept localized to the back of the property. He says this one is a little more mucked up.

Charity Yonker: Says if you have read the comments from Department of Environmental Quality and Fish, Wildlife and Parks, they have given us comments and the last two conditions reflect their concerns as far as the stormwater runoff and the golden eagle. The Department of Environmental Quality has said we can report back to them with what we find on the site visit, which will determine if an open cut mining permit will be required.

Dexter Busby: Says there are a lot more hoops to jump through than just the ones here.

Charity Yonker: Affirms.

Kathryn Hanning: Says as it is with every gravel pit. He is not alone.

Charity Yonker: Affirms.

Dexter Busby: Says this one is a little more challenging.

John Harding: Says we will hopefully get some answers here as we go forward.

Dexter Busby: Says we probably cannot limit use based on golden eagle. He says he is not sure that is within the Board's purview. They can [limit it] but we cannot.

Charity Yonker: Says that is correct.

John Harding: Says we can discuss that later and add to the document.

Charity Yonker: Says jokingly that she loves when the other agencies are telling us [County] to do their work.

John Harding: Says we can discuss that later and asks if there are any other questions for the staff.

3. Public Hearing opens at 10:16 AM, [01:17:02].

John Meyer of 12775 MT Highway 200, Simms: Says what he is trying to do is dig out the pivot corner to get some gravel for his property down the road that needs the gravel. He states he plans to haul gravel out and put topsoil back in. He states he is not using it for a commercial gravel operation, and according to Department of Environmental Quality if it is under ten (10) thousand yards and not selling it, he can do whatever he wants. He says he has already talked to them and he is very familiar with mining operations and requirements. He states he had started and did not realize he needed a Floodplain Permit to dig a hole in his own yard. He says the operation will not exceed ten (10) thousand yards and it is for a project where between five (5) and ten (10) thousand yards of gravel will be needed. He reiterates that the topsoil will be replaced, and the ground levelled out and that it is not a commercial operation. He says *[inaudible]* and asks if the Board has any questions.

Kathryn Hanning: Asks regarding line six (6), that mentions no cement plant, or crushing or polishing, and whether they plan to do any of that.

John Meyer: Says they are going to be doing crushing, and we have their own crushing machines, and instead of buying gravel we decided we would crush up some here and haul it down there. That was the intent.

John Harding: Says so the gravel operation you are talking about will be restricted to where it is.

John Meyer: Says that is correct, I also own the three (3) parcels around that as well. He says if he could not have that two (2) hundred-foot buffer from the property line, that would be great, because that is where the pivot corner is right up against the corner of the parcel to the east, which I also own. He says he does not want to disrupt the pivot if possible. He says if he had dug it by the highway, he would not have needed a Floodplain Permit. The area past the pivot has the most rock in it.

John Harding: Says we will discuss that.

Public Proponents: None.

Public Opponents: None.

General Public Comments Regarding Special Use Permit Application # :003-2023: None.

Public Hearing closes at 10:20 AM.

4. Board Discussion & Action: [01:21:42]

Kathryn Hanning: Asks for clarification regarding Mr. Meyer's comment about not needing an open cut permit from Department of Environmental Quality for limited amounts of gravel.

Charity Yonker: Says she thinks he will receive a letter from Department of Environmental Quality and that he may be exempt.

Raina Leavens: Says Mr. Meyer did get the letter from Department of Environmental Quality, and he is referencing the under ten (10) thousand feet provision. If they intersect the water table, an open-cut permit will be required by Department of Environmental Quality. As you can see in the pictures, that pit is filling with water *[indicating the aerial photos]*. There is a good chance he has intersected the water table, and that would require an open cut mining permit as well.

Dexter Busby: Says regardless.

Raina Leavens: Says no matter how much you excavate, if you hit the water table you will need an open cut mining permit, according to what Department of Environmental Quality has told me.

John Harding: Says with the comments from the Applicant, I am more comfortable with what we are discussing and understanding what this was.

Kathryn Hanning: Asks if the Applicant owns the adjacent property, whether he still needs the required buffer area.

Raina Leavens: Says per our provisions, that comes directly out of our provisions, which was why it was included in there.

Kathryn Hanning: Asks how it works if he does not want to complain about himself.

John Harding: Says he is reading back through the report and asks where the *[inaudible]*.

Kathryn Hanning: Says it is right here in four (4). I just wondered what happens if he owns the adjacent property, and Ms. Haight has left so we cannot ask her. If anyone complained, it would be himself.

Dexter Busby: Says anybody can complain.

Charity Yonker: Says and while this may not be his plan, you never know if his property will be transferred, and you never know how long this operation will be in effect. It may change hands, and so not having that [buffer] and having somebody come in who is now living residentially will now be an issue. Right now, the major concern is the border with the Mixed-Use District to the south.

Dexter Busby: Asks if that is their property to the South.

Charity Yonker: Says no.

Ken Thornton: Says the property is a quarter of a mile away, and that is the neighbor who can see the gravel pit.

Raina Leavens: Says yes and that number four (4) comes from [CCZR] Section 7.6.11 (35), that directly states the allowable uses.

Dexter Busby: Says he is going to have to do a boundary line adjustment to get himself out of their if he wanted to move that line.

John Harding: Says when we have rules like the two (2) hundred foot [buffer], it becomes difficult to suspend that rule for anything. I have always been a fan of rules, because it makes decisions easier. Once we start deviating from the rules, it becomes more difficult for future projects. When Staff comes up with their recommendations, they are pulling the recommendation from the rules, which is what we have established. If we do not like the rules, we would go to the County Commissioners and adjust our rules. When we have the rules, unless there are some really extenuating circumstances, it is difficult to deviate from them.

Kathryn Hanning: Asks how hard it would be to get a boundary changed.

Charity Yonker: Says it is a couple thousand dollars for a survey.

Dexter Busby: Says it is a survey issue more than anything else, and the other thing he might do is ask for a variance.

John Harding: Says it is unfortunate. A project like this seems to be, as the Applicant had mentioned, his own property, and you would want to do something to turn the land into something a little more fertile, he got gravel off it and has a use for the gravel. It seems like it is all cut and dried and then suddenly, outside agencies get involved. However, the rules are there for everybody. There is a lot of land in the floodplain, and it makes a lot of difference as to what you are able to do.

Dexter Busby: Says it also makes it less likely it will be transferred for residential purposes.

John Harding: Says he is inclined to approve this as the Staff has written it.

Dexter Busby: Says he is more concerned about the golden eagles.

Kathryn Hanning: Says it is not in our purview.

John Harding: Says and above that it says applicant shall use best management practices. That is already established by the Department of Environmental Quality, so I guess I do not understand why that is in there. Runoff must be controlled anyway, it is not allowed to come off the property. He asks if that came from an outside agency, as well.

Charity Yonker: Says yes, this condition came from Fish, Wildlife, and Parks concerns.

John Harding: Says so that is why. Regarding number ten (10), leave it in there because it is already covered by this process. The buffer zone for the eagle, then we will have to talk about bears and foxes.

Dexter Busby: Says he is not sure he likes that precedent.

John Harding: Says that is an odd one.

Dexter Busby: Says he does not think the applicant is going to get a permit from anybody else for the river bed.

Kathryn Hanning: Says she is not a fan.

Charity Yonker: Says proposed conditions ten (10) and eleven (11) were based on other agencies' comments.

Kathryn Hanning: Says she cares about animals; however, she thinks it would be very difficult to get work done.

Dexter Busby: Says absolutely. He says they will be out there looking for eagles. He says he thinks they should be removed.

John Harding: Asks if they can remove those conditions.

Charity Yonker: Says yes.

Kathryn Hanning: Says we will have to add that statement about crushing and grinding that we had before.

Dexter Busby: Says to leave the crushing.

Kathryn Hanning: Says or you can remove the crushing and grinding.

Dexter Busby: Says or polishing. We can leave those in, regarding the crushing restrictions, they are not making asphalt or anything.

Kathryn Hanning: Says so that would be grinding or polishing.

Charity Yonker: Says he will be using cutting machinery.

John Meyer: Says there is no cutting machinery.

Charity Yonker: Asks Mr. Meyer if he is utilizing the cutting machinery.

John Meyer: Says they will just do crushing.

John Harding: Says so the only thing coming out is crushing. He asks if everyone has their questions answered. He says we have a motion in front of us.

Kathryn Hanning: Moves to adopt the Staff Report and approve the Special Use Permit with conditions.

Dexter Busby: Seconds the motion.

John Harding: Says we have a motion and a second and ask if there is further discussion. Hearing none, he calls for the vote.

All in Favor, motion carries 5 – 0.

Multiple Board Members: *[Inaudible]*.

Dexter Busby: Says that was a can of worms nobody wanted to open.

John Harding: Says that was a difficult one, and the applicant is not happy. There were a couple of things and the explanation from the applicant is very straight forward, but...

Ken Thornton: Says that is what the Special Use Permit process is all about, especially with gravel pits.

Kathryn Hanning: Says it is fun you add in eagles.

Raina Leavens: Says she has never gotten that comment before.

John Harding: Says he hates to bend the rules and you have to have an explanation why.

Ken Thornton: Says when you have something like that when you are out by the river, it just adds another layer we must look at. if it was out in the middle of somebody's farm, with nothing around, that would be easy.

Dexter Busby: Says he [Applicant] thinks he is out in the middle of nowhere.

Ken Thornton: Says the applicant says he is just going to use it for fill and run it through a crusher, but if he is running it through a crusher, he is not just using it for fill.

Dexter Busby: Says well *[inaudible]*.

6. BOARD MATTERS [01:33:32]

John Harding: Asks if anyone has anything. Hearing none, he calls for public comment.

7. PUBLIC COMMENTS REGARDING MATTERS WITHIN THE BOARD 'S JURISDICTION [01:33:37]

8. Adjournment at 10:33 AM [01:33:40]

John Harding: Says seeing none, he will take a motion to adjourn.

Kathryn Hanning: Says "so moved".

Dexter Busby: Seconds the motion.

John Harding: Says we are adjourned.

STAFF REPORT
ZONING BOARD OF ADJUSTMENT
Thursday, March 16th, 2023
9:00 a.m.

Room 105 Courthouse Annex, Cascade County Commissioners Chambers
& Via Zoom (an online platform, see www.cascadecountymt.gov for more information)

SUP #004-2023

SUBJECT PROPERTY INFORMATION	
Name of Applicant & Owner:	Zachary Dreher 39 Diamond Ln Great Falls, MT, 59405
Legal Description(s):	Tract 1 of COS #3665, SE ¼ Section 32, Township 20 North, Range 04 East, P.M.M., Cascade County, MT
Property Address	47 Diamond Ln Great Falls, MT, 59405
Geo-Code(s):	02-3016-32-4-01-01-0000
Parcel Number(s):	2664500
Existing Zoning:	Suburban Residential 2 (SR-2)
Acreage:	161.660 acres
Surrounding Land Uses/Zoning:	North: Agriculture/ SR-2 South: Agriculture/ SR-2 East: Agriculture/ SR-2 West: Residential/ SR-2
Current Land Use:	Agricultural
Applicable Regulations:	Cascade County Zoning Regulations (CCZR) §§ 7.3.4(1) ¹ , 7.2.4(4), & 10
Requested Action:	Approval of a Special Use Permit (SUP) to allow a second dwelling

General Information:

The Cascade County Zoning Board of Adjustment (ZBOA) is in receipt of a Special Use Permit (SUP) Application from Zachary Dreher to allow a “Second Dwelling” on the Subject Property. The Applicant is requesting that a SUP be granted as required by Sections 7.3.4(1) and 10 of the CCZR.

¹ CCZR § 7.3.4 “Uses Permitted Upon Issuance of a Special Use Permit: (1) Use permitted upon issuance of a special permit as set forth under RR-5 District regulations may be used in the SR-1 and SR-2 Districts. Pursuant to CCZR § 7.2.4(4), under the RR-5 District, allows a second dwelling upon the issuance of a SUP.

The Applicant submitted their complete SUP Application on January 11th, 2023. Public Notice was published in the Great Falls Tribune on March 5th and March 12th of 2023. Notice was sent to interested agencies and adjacent property owners on February 24th, 2023.

The property taxes are current and there are no known violations of Cascade County ordinances or regulations on the Subject Property.

Findings with Respect to the SUP Analysis Criteria:

The Planning & GIS Department provides that the following analysis, findings and conclusion for each of the required criteria provided under the controlling sections of the CCZR are in the Findings of Fact and Conclusions for SUP #004-2023, and hereby incorporated by reference into this Staff Report and attached.

Section 10.7 Operations:

Operations in connection with the SUP shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

Staff: Based on the information provided by the Applicant the proposed use will not be more objectionable by reason of noise, fumes, vibration, or flashing lights, than would be the operation of any permitted use.

Recommendation:

Based on the information provided, the Planning and GIS Department recommends conditional approval of this SUP.

Motions:

The following motions are provided for the Board's consideration:

- A. Move that Special Use Permit #004-2023 to allow a Second Dwelling on Parcel #2664500 be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or
- B. Move the Board to adopt the Staff Report in its entirety and **approve** Special Use Permit #004-2023 to allow a Second Dwelling on Parcel #2664500 subject to the following conditions:
 1. The Applicant obtains any other required county, state, or federal permits and approvals, and complies with the respective laws, rule, regulations and ordinances.
 2. Structure will not exceed a height of 50 feet if located in the MOD-B and MOD-E area of the Malmstrom Airforce Base runway Height Military Overlay

District.

3. Applicant obtains address for the second dwelling form the GIS department for E911 purposes.

Attachments:

- Findings of Fact & Conclusions for SUP # 004-2023
- Special Use Permit Application
- Vicinity & Zoning Map
- Applicable Zoning Regulations
- Comment(s)

cc: Applicant(s)
County Attorney's Office

Findings of Fact & Conclusions for Special Use Permit # 004-2023

The Department provides that the following analysis, findings and conclusion for each of the required criteria provided under the controlling sections of the Zoning Regulations. Conditions may be required that the ZBOA determines if implemented, will mitigate potential conflicts in order to reach these conclusions.

Standards Applicable to Special Uses (CCZR § 10.6)
A. The proposed development will not materially endanger the public health or safety
(1) Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersections and approaches.
Applicant Response: The accessory dwelling unit will be built on a quarter of land on our dead end road. This will not change the amount of traffic.
Staff Analysis: Access to the property is from Diamond Lane, a private road. The subject property is the last dwelling on the lane. Diamond Lane comes off of Fisher Road, a County Road. An interested agency notice was provided to Cascade County Public Works-Road & Bridge Division who did not express any concerns.
(2) Provisions of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.
Applicant Response: There is already utility services on this property, including sewer, electrical and water/well.
Staff Analysis: Property owner will need to install a septic system and obtain permits for the septic from the City County Health Department. This requirement will be satisfied by Condition #1. Fire protection is provided by the Sand Coulee Volunteer Fire Department.
(3) Soil erosion, sedimentation, and storm water runoff.
Applicant Response: There will not be any soil erosion, sedimentation or stormwater runoff besides naturally occurring. Roads and driveway will all be gravel. No asphalt or concrete will be used for road/driveway.
Staff Analysis: Construction of a home does increase stormwater runoff by increasing the impermeable surface on the property. Landscaping and/or a stormwater drainage plan can mitigate these effects if deemed necessary. If over an acre of land will be disturbed during the construction process, the Applicants will be required to obtain a MDEQ Montana Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activity if disturbing one or more acres of land. This requirement will be satisfied by Condition #1.
(4) Protection of public community, or private water supplies, including possible adverse effects on surface waters or groundwater.
Applicant Response: we have all codes to drill a well deep enough to have sage drinking water and not disturb existing groundwater. The septic also passed all needed testing.
Staff Analysis: There is no naturally occurring surface waters on the property. Applicant will be required to install a permitted septic and obtain a permit before drilling a well. Condition one will mitigate this risk.

Findings of Fact & Conclusions for Special Use Permit # 004-2023

B. The proposed development will not substantially injure the value of adjoining property or is a public necessity.
(1) The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.
Applicant Response: This dwelling will be placed on a quarter of land at a dead end road, following all rules and regulation of the county placed far enough from any neighboring fence lines/ property.
Staff Analysis: Property to the North, East and South are all used for agriculture. Property to the East is residential. Applicant is planning the location of the proposed home to be closer to their livestock on the land. This use would not conflict with current surrounding uses.
(2) Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as a whole as to justify it regardless of its impact on the value of adjoining property.
Applicant Response: This dwelling should help property value in this area. It will be built all new.
Staff Analysis: Applicant is proposing to build on the specified site due to its proximity to the grazing area for their sheep. The proposed development is not so necessary to the public, safety, and general welfare of the community to justify it regardless of impact to the value of adjoining property. However, a negative impact from this development is not likely.
C. The proposed development will be in harmony with the area in which it is located.
(1) The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.
Applicant Response: This dwelling is being placed where there is farmland and grazing nearby. This dwelling helps us stay close to our sheep in our pasture (16) acres. We are far from people/places to cause conflict.
Staff Analysis: Property to the North, East and South are all used for agriculture. Property to the East is residential. Applicant is planning location of the home in order to be closer to their livestock on the land. This use would not conflict with current surrounding uses.
D. The proposed development will be consistent with the Cascade County Growth Policy.
(1) Consistency with the Growth Policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its locational standards.
Applicant Response: We have no plans on continuing to grow/expand on the quarter, therefore never getting too close to neighboring property or farmland.
Staff Analysis: This use and proposed location for the dwelling do align with the Growth Policy. They are keeping the development near the other home on the property while also allowing them better access to their sheep to improve their business.

Findings of Fact & Conclusions for Special Use Permit # 004-2023

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

A. Stimulate the retention of existing businesses and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing, and forest products.

Applicant Response: This dwelling would be located just 4 miles out of city limits. Near the Benefis east hospital and new medical school being built. Close enough to town but still out where we can raise sheep, chickens and ducks.

Staff Analysis: Property owner currently raises sheep on the property and sells the meat and wool. Addition of second dwelling would assist them in operating their agricultural business.

B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.

Applicant Response: The dwelling will use natural gas, electricity and well water. We have talked about the possible solar panels.

Staff Analysis: Applicant plans to continue to use the property for agricultural purposes, utilizing the grazing pastures on the property.

C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.

Applicant Response: This will be a permanent dwelling near the city limits, close to the medical community.

Staff Analysis: Proposed second dwelling would not have an impact on this goal.

D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.

Applicant Response: This is a dwelling being built for permanent living.

Staff Analysis: Applicant is proposing this second dwelling to increase the viability of their agricultural business. They want a dwelling that is closer to where the sheep graze to ensure the safety and health of their flock.

E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.

Applicant Response: This is an accessory dwelling unit.

Findings of Fact & Conclusions for Special Use Permit # 004-2023

Staff Analysis: Applicant currently raises and sells sheep, have proposed adding in more livestock like ducks and chickens. A second dwelling would allow them to expand their current agricultural business.

F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.

Applicant Response: Our dwelling is no way going to reduce local competition or hamper any type of business growth.

Staff Analysis: Proposed second dwelling would not have an impact on this goal.

G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.

Applicant Response: The dwelling is close enough to town to still shop locally at any business or new businesses in the future.

Staff Analysis: Proposed second dwelling would not have an impact on this goal.

H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.

Applicant Response: We will be utilizing NW energy (extending powerlines) energy west (gas services) extending the gas main.

Staff Analysis: Proposed second dwelling would not have an impact on this goal.

I. Encourage the growth of the agricultural economy.

Applicant Response: The additional well will be used to water additional grazing areas for livestock.

Staff Analysis: Applicant currently operates their sheep farm on the property, and the second dwelling would allow them to be closer to where the flock grazes to ensure their safety and health which, in turn, means production of agricultural products in the community that continues to strengthen and maintain the agricultural economy.

J. Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy.

Applicant Response: This dwelling will not have wind energy.

Findings of Fact & Conclusions for Special Use Permit # 004-2023

Staff Analysis: Applicant stated previously they have considered the installation of solar panels.

Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.

Objectives:

A. Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.

Applicant Response: Our quarter (161) acres is also used to graze our sheep.

Staff Analysis: Applicant directly supports this goal by using the property to raise sheep, with the extended goal of adding other livestock to their property.

B. Preserve Cascade County's scenic beauty and conserve its forests, rangelands, and streams, with their abundant wildlife and good fisheries.

Applicant Response: This dwelling will be on the quarter of land our sheep roam and feed on the noxious weeds, helping out our fellow neighbors.

Staff Analysis: Owner is proposing development near other residences and not on portions of the property that border lands used for agriculture.

C. Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.

Applicant Response: we will not be subdividing out land. We will be building this house new construction from start to finish.

Staff Analysis: Property owner currently has one residence on the east side of the property in close proximity to the owner's other lot with development and the original dwelling on the second lot. Owner is not proposing development of portions of the property that border lands currently use for agriculture.

D. Assure clean air, clean water, a healthful environment, and good community appearance.

Applicant Response: This dwelling will be new construction and not a sight for sore eyes.

Staff Analysis: Per Condition #1ne, the property owner will be required to obtain any other state permits pertaining to water and wastewater.

Findings of Fact & Conclusions for Special Use Permit # 004-2023

Property is subject to the county community decay ordinance as well and will be required to keep a clean and tidy appearance.

E. Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production.

Applicant Response: The dwelling will be utilizing local timber.

Staff Analysis: Applicant plans to utilize local timber to construct the new dwelling which would directly support this goal.

F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields processes.

Applicant Response: Our quarter has no contamination which could cause human health or environmental problems.

Staff Analysis: According to the Superfund and Brownfields cleanups in my community map¹, there are no Brownfields or Superfund sites on this property.

Goal 3: Maintain Agricultural economy

A. Protect the most productive soil types.

Applicant Response: No parking lot, road or drive-way will be done in anything but gravel. The only time soil will be moved is to break ground.

Staff Analysis: According to USDA web soil survey², property does contain prime farmland soils. The property owner is planning to build in an area where the soils are not suited for farming. They do not plan any development on or near the prime farmland soils.

B. Continue to protect soils against erosion.

Applicant Response: The sheep are moved to graze periodically, we will be planting shrubs, bushes and trees around dwelling.

Staff Analysis: Per Condition #1, applicant will be required to submit any other necessary permits, including those pertaining to stormwater runoff.

¹ https://ordspub.epa.gov/ords/cimc/f?p=cimc:map:::71:P71_WELSEARCH:NULL|Cleanup|||false|false|true|false|false|false||sites|Y

² <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

Findings of Fact & Conclusions for Special Use Permit # 004-2023

C. Protect the floodplain from non-agricultural development.

Applicant Response: We are not located in a floodplain.

Staff Analysis: According to the FEMA FIRM Panels³, the property is not within the Regulated Flood Hazard Area.⁴

D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.

Applicant Response: We provide farm raised sheep/lambs for butchering and their wool for the community.

Staff Analysis: Second dwelling on the property would not impact this goal.

Goal 4: Retain the presence of the US Military in Cascade County.

Objectives:

- A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.***
- B. Promote the location of additional military missions in Cascade County.***
- C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.***
- D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.***

Applicant Response: We are in the military fly zone. The dwelling will not exceed 50'. No dwellings for out buildings will be over 49' beings we're in the military zone. Our building is under the fly space limit and will not affect their fixed wing operation. This dwelling will accommodate sustained econ. Viability w/out causing conflict with MAFB and the surrounding area.

Staff Analysis: Per the Height Military Overlay District (MOD) Map⁵, the property is within the MOD-B, MOD- E, and MOD-F, height restriction zone for the Malmstrom Airforce Base Runway. Condition #2 will ensure applicant keeps the new structure under 50 feet that is located in either the MOD-B or MOD-E area. This would allow for proper distance for aircraft if the runway were to be reactivated at Malmstrom Airforce Base.

Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

³ [FEMA Flood Map Service Center | Search By Address](#)

⁴ Based on FEMA FIRM Panels⁴ #30013C0609E, #30013C0617E, #30013C0628E, #30013C0640E, the majority of the property is located in Zone D.

⁵ <https://cascadecountymt.maps.arcgis.com/apps/webappviewer/index.html?id=1507124f1c4d420799c71b6ff3f66b68>

Findings of Fact & Conclusions for Special Use Permit # 004-2023

Objectives:

- A. *Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.***

Applicant Response: We respect and follow the local and state government regulations.

Staff Analysis: The proposed use will help further citizens' independent lifestyles by the adding an additional residence in an area rooted in agricultural and livestock raising with the goal to continue that practice.

- B. *Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.***

Applicant Response: This dwelling will promote cultural and historic heritage by continuing to enhance small farm lifestyles.

Staff Analysis: The proposed use would have a positive impact on the County's rich cultural heritage.

- C. *Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.***

Applicant Response: We own a firetruck (registered) and other equipment to put fires out. We also have extra fire insurance in case of any fires in our area and outlying areas.

Staff Analysis: Property owner is taking steps to insure they are protected from fire risk. Condition #3 will ensure first responders can quickly locate the property in the event of an emergency.

- D. *Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.***

Applicant Response: We support/ donated to 4H and will continue to support educational opportunities for any interested in FFA!

Staff Analysis: Proposed use would have a positive impact on this goal.



Cascade County Special Use Permit Application

Cascade County Planning Department

121 4th St N, Suite 2H/I

Great Falls, MT 59401

Phone: 406-454-6905 | Fax: 406-454-6919

Permit No: _____
App. No.: 502003-203
Applied Date: 2/1/23

General Information

A Special Use Permit (SUP) is required for uses in which conformance to additional standards will be required due to characteristics that are unique and special to the use. SUPs are to be issued for one specific use and are required for each tract of land. Legally issued SUPs shall expire one year after the date of approval if construction, or the use permitted, has not started. A one-time only six (6) month extension may be granted by the Zoning Board of Adjustment (ZBOA) upon request. SUP applications require a non-refundable application fee of four hundred and fifty dollars (\$450.00). Each SUP application shall be accompanied by an Location/Conformance (L/C) Permit application for changes in use and/or structures associated with the SUP application. The L/C Permit application fee is **included in** the SUP application fee.

Application Information

Property Owner Name: Zachary John Dreher
Applicant Name: Zachary John Dreher
Application Type: ☐ Change of Use ☒ New Structure(s)
Special Use Call Out: _____

Understanding the Regulations

The proposed use must be specifically mentioned as a category in Uses Permitted Upon Issuance of a Special Use Permit within Section 7 of the Cascade County Zoning Regulations. Portions of the County Zoning Map and the Zoning Regulations are available at the Cascade County Website at <https://www.cascadecountymt.gov/245/Planning>.

Steps of the Application Process

- (1) Schedule a Pre-Application meeting with planners to ensure the project will meet the standards for Special Use Permits as outlined within Section 7 of Cascade County's Zoning Regulations.
- (2) Complete, sign and submit a Special Use Permit application, Location/Conformance Permit application and a Use Statement Form, with the \$450.00 application fee to Planning Staff.
- (3) Diagrams, business plans, photographs and other documents may be requested as part of a complete application, depending on the applicant's proposal.
- (4) Planning Staff will notify interested agencies of the proposed project to request comments for the application.
- (5) Planning Staff will schedule a public hearing before the *Cascade County Zoning Board of Adjustment*;
- (6) Legal notice will be published twice in the Great Falls Tribune with at least six (6) days separating each publication.
- (7) Notice will be sent to all adjacent landowners via certified mail.
- (8) Planning Staff will present the application to the Zoning Board of Adjustment along with recommendations, based on findings of facts.
- (9) The *Zoning Board of Adjustment* will make a determination on the application; three (3) affirmative votes are needed to issue the permit.
- (10) Upon written notice from the Planning Staff, the applicant may begin the permitted special use.

(11) Permits may be revoked or expire for the following reasons:

- a. The *Zoning Board of Adjustment* finds them in violation of the conditions of the permit or another regulation/ordinance.
- b. Approval is valid for one particular use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only 6 month extension on the Zoning Board of Adjustment Approval.
- c. The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any future extension requests must be granted by the Zoning Board of Adjustment prior to the date of expiration.

SUP General Impacts Criteria

Explain how the proposed use contributes to, hinders, or otherwise impacts each of the criteria below. All criteria must be discussed. If criteria are not applicable, please explain why. Attach drawings, additional text, site plans, and any other documents that will assist staff and the board in reviewing the proposed use. The more information you can provide, the easier it is for staff and the *Zoning Board of Adjustment* to review the application.

(1) The proposed development will not materially endanger the public health or safety.

- a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersections and approaches:

The accessory dwelling unit will be built on a quarter of land on our dead end road. This will not change the amount of traffic.

- b. Provision of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection:

There is already utility services on this property, including sewer, electrical and ~~sewer~~ water/well.

- c. Soil erosion, sedimentation, and stormwater run-off:

There will not be any soil erosion, sedimentation or stormwater run off besides naturally occurring. Roads + driveway will all be gravel. No asphalt or concrete will be used for road/driveway.

- d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or ground water:

We have passed all codes to drill a well deep enough to have safe drinking water and not disturb existing groundwater. The septic also has passed all needed testing.

(2) The proposed development is a public necessity, or will not substantially impact the value of adjoining property.

- a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

This dwelling will be placed on a quarter of land at a dead end road, following all rules and regulations of the county placed far enough from any neighboring fence lines/property.

- b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as to justify it regardless of its impact on the value of adjoining property.

This dwelling should help property value in this area. It will be built all new.

(3) The proposed development will be in harmony with the area in which it is located.

- a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

This dwelling is being placed where there is farm land and grazing nearby. This dwelling helps us stay close to our sheep in our pasture (161) acres. We are far from people/places to cause conflict.

- b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

We have no plans on continuing to grow/expand on the quarter, therefore never getting too close to neighboring property or farming land.

SUP Growth Policy Criteria

Explain how the proposed use will be consistent with each of the Cascade County Growth Policy goal objectives. All objectives must be discussed. If an objective is not applicable, please explain why. The more information you can provide, the easier it is for staff and the Zoning Board of Adjustment to review the application.

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

Objectives:

- A. Stimulate the retention of existing businesses and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.

This dwelling will be located just 4 miles out of city limits. near the Benefis east hospital and new medical school being built. Close enough to town but still out where we can raise sheep, chickens and ducks.

- B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.

The dwelling will use natural gas, electricity and well water.
We have talked about possible solar panels.

- C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunication, and youth/social services.

This will be a permanent dwelling near the city limits,
close to the medical community.

- D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.

This is a dwelling being built for permanent living.

- E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.

This is an Accessory Dwelling Unit.

- F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chamber of commerce, development organizations and business roundtable organizations.

Our Dwelling is no way going to reduce local competition
or hamper any type of business growth

- G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.

This Dwelling is close enough to town to still shop
locally at any business or new businesses in the future

- H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.

We will be utilizing NW Energy (extending power lines)
Energy West (gas services) extending the gas main.

- I. Encourage the growth of the agricultural economy.

The additional Well will be used to water additional grazing areas for life stock.

- J. Stimulate the growth of the economy by encouraging the use of alternative methods of energy production, including wind energy.

This dwelling will not have wind energy.

Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with natural resource development.

Objectives:

- A. Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.

Our Quarter (160) acres is also used to graze our sheep

- B. Preserve Cascade County's scenic beauty and conserve its forests, rangeland and streams, with their abundant wildlife and good fisheries.

This dwelling will be ~~in~~ on the quarter of land our Sheep roam and feed on the noxious weeds, helping out our fellow neighbors.

- C. Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.

We will not be subdividing our land. We will be building this house new construction from start to finish.

- D. Assure clean air, clean water, a healthful environment and good community appearance.

This dwelling will be new construction and not a sight for sore eyes.

- E. Support the development of natural resources including but not limited to timber, mining, oil and gas production and renewable energy production.

The dwelling will be utilizing local timber.

- F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields processes.

Our quarter has no contamination which could cause human health or environmental problems.

Goal 3: Maintain agricultural economy.

Objectives:

- A. Protect the most productive soil types.

no parking lot, road or drive-way will be done in anything but gravel. The only time soil will be moved it to break ground.

- B. Continue to protect soils against erosion.

The sheep are moved to graze periodically, we will be planting shrubs, bushes and trees around dwelling

- C. Protect the floodplain from non-agricultural development.

We are not located in a floodplain.

- D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.

We provide farm & raised sheep/lambs for butchering and their wool for the community.

Goal 4: Retain the presence of the US Military in Cascade County

Objectives:

- A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.

We are in the military fly zone. The dwelling will not exceed 50'.

- B. Promote the location of additional military missions in Cascade County.

No Dwellings or out buildings will be over 49' beings were in the military zone.

- C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.

Our building is ~~not~~ under their fly space limit and will not affect their fixed wing operation.

- D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.

This dwelling will accomodate sustained econ. vitality w/out causing conflict w/ MAFB and the surrounding area.

Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Objectives:

- A. Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.

We respect & follow the local & state gov-reg.

- B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.

This dwelling will promote cultural & historic heritage by continuing to inhance small farm life styles

- C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wildland-urban interface.

We own a firetruck (registered) and other equipment to put fires out. we also have extra fire insurance incase of any fires in our area + outlying areas.

- D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.

We support/donated to 4H and will continue to support educational opps. for any interested in FFA!

ATTEST: I hereby certify that the information given herein is true and correct to the best of my knowledge. There are no restrictions placed upon my property which would prohibit the issuance of this permit. If there are any restrictions, then this permit shall become null and void. I hereby grant permission to any Cascade County Zoning Official to enter my property to inspect for compliance with the County Zoning Regulations in relation to this application.

Printed Name of Applicant: Zachary Dreher Date: 2-1-2023

Signature of Applicant:  Date: 2-1-2023

Printed Name of Property Owner: Zachary Dreher Date: 2-1-2023

Signature of Property Owner:  Date: 2-1-2023

Office Use Only

Fee: ☒ Application Package \$450.00
(Includes L/C Application)

Payment Type: ☒ Check No.: _____ ☐ Cash ☐ Electronic
Payment

Date Application Received: 2/1/23

Application Number: _____

Public Hearing Date: _____

☐ Completed L/C Application(s) ☐ Completed Use Statement

Application Approved On: _____

Associated Permit/Approvals Number(s): _____

Approved Permit No.: _____

Approved by (staff): _____

Review Items

SUP General Impacts Applicant Response Review

1.a.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient	2.a.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
1.b.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient	2.b.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
1.c.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient	3.a.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
1.d.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient	3.b.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient

SUP Growth Policy Criteria Applicant Response Review

Goal 1. A.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. B.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. C.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. D.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. E.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. F.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. G.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. H.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. I.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. J.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 2. A.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 2. B.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 2. C.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 2. D.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 2. E.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 2. F.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 3. A.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 3. B.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 3. C.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 3. D.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 4. A.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 4. B.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 4. C.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 4. D.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 5. A.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 5. B.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 5. C.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 5. D.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient



Cascade County Use Statement Form

Cascade County Planning Department

121 4th St N, Suite 2H/I

Great Falls, MT 59401

Phone: 406-454-6905 | Fax: 406-454-6919

Permit No: _____

App. No.: _____

Applied Date: _____

The Use Statement Form is required for all Special Use Permit applications and is designed to provide pertinent information about the proposed use. It is important that the use statement provides a complete understanding of your proposal. The use statement that you submit must address all the following items that apply to your proposal. Your use statement must be written in on this form or written in a legible manner on a separate sheet of paper and submitted with your Special Use Permit application in print or by email. If your responses are written on a separate sheet of paper, indicate the number of each response corresponding with the item numbers listed below. Where a definite answer cannot be provided for any of the items below, provide an estimate and indicate any uncertainty. Begin by indicating all relevant uses of the proposal below and proceed to address each item. The form will not be considered complete without a signed and dated submission by the landowner and/or applicant.

Use type (check all that apply): ☒ Residential ☐ Commercial ☐ Industrial

If the proposed use is residential only then only questions 1-6 are required. For uses that are commercial and/or industrial all questions must be addressed. If the item does not pertain to the proposed use, then indicate that the item does not apply.

1. Nature of the use - what do you propose to do and how do you plan to do it? Describe in detail.

We plan on building a house on our 161 acres of property. 4 bed 2 bath.

2. Access to the site:

☐ Public Road

☒ Private Road

Surface: ☐ Paved

☒ Gravel

☐ Dirt

Indicate the planned access points in the site plan. If a new approach will be required, contact either Montana Department of Transportation or County Road and Bridge Division.

3. Describe any planned advertising or signage. Include the size, appearance, and placement.

No advertising or signage will be needed. Personal home only being built.

4. Will existing buildings be used, or will new buildings be constructed (or both)? Indicate new and old buildings or structures on the required site plan.

There are 2 existing buildings on property. We will be constructing 1 house on this same property 161 acres.

5. Will any landscaping or fencing be developed? If so, describe the type of landscaping and/or fencing elements planned. Use reference to the site plan for clarity.

We'll landscape around house, gravel, bushes, grass ect..
A wooden fence may be put up for a small yard.

6. Does the proposed use require any other local, state, or federal permits or licensing? If so, indicate the permits and/or licenses and when they will be acquired. If the permit and/or license has already been acquired, provide the permit and/or license number.

We will need our NW Energy & Energy West extended
further into our property. Will also need to
do a septic / drain field.

If the proposed use is residential only, you may stop here and sign at the end of the form.

7. Operational time limits:

Months (if seasonal): from _____ to _____

Days per week: _____

Hours (HH:MM AM/PM): from _____ to _____

Total hours per day: _____

Special activities: _____

Frequency: _____

Hours: from _____ to _____

Are these indoors or outdoors? _____

8. Expected number of customers or visitors:

Average per day: _____

Maximum per day: _____

Hours (when they will be there)(HH:MM AM/PM): from _____ to _____

9. Number of employees:

Current: _____

Future: _____

Hours they work (HH:MM AM/PM): from _____ to _____

Do any live on-site as a caretaker? _____

10. Service and delivery vehicles:

Number: _____

Type: _____

Frequency: _____

11. Number of parking spaces for employees, customers, and service/delivery vehicles:

12. Are any goods to be sold on-site? If so, are these goods grown or produced on-site or at some other location? Explain.

13. What equipment is used? If available, provide pictures or a brochure.

14. What supplies or materials are used and how are they stored?

15. Does the use produce any of the following by-products which may be considered a nuisance?

☐ Noise ☐ Glare ☐ Dust ☐ Odor ☐ Smoke

☐ Other _____

If so, explain how this will be reduced or eliminated?

16. Does the proposed use involve livestock animals? If so, provide the types of livestock and the approximate number of each type of animal involved.

17. Will any solid or liquid wastes be produced (other than septic system waste)? If so, list (for each) : (1) the type(s) of waste; (2) the estimated volume of waste; (3) how and where it will be stored; (4) how it will be hauled; (5) where it will be disposed at and how often.

18. Estimated volume of water to be used (gallons per day) and the source of water:

19. Explain which buildings or what portion of buildings will be used in the operation. Use reference to the indicated structures or buildings in the site plan for clarity.

20. Will any buildings or portions of buildings be rented or leased? ☐ Yes ☐ No

21. Will any outdoor lighting or an outdoor sound amplification system be used? If so, describe how and when they will be used.


22. Is there any other information that will provide a clear understanding of the project or operation?

ATTEST: I hereby certify that the information given herein is true and correct to the best of my knowledge and acknowledge that the information provided herein may be binding upon issuance of an approved Special Use Permit with conditions.

Printed Name of Applicant: Zachary Dreher Date: 2-1-23

Signature of Applicant:  Date: 2-1-23

Printed Name of Owner: Zachary Dreher Date: 2-1-23

Signature of Owner:  Date: 2-1-23



Cascade County Location/Conformance Permit Application

Cascade County Planning Department

121 4th St N, Suite 2H/I

Great Falls, MT 59401

Phone: 406-454-6905 | Fax: 406-454-6919 | www.cascadecountymt.gov

Permit No: _____

App. No.: 124-2673

Applied Date: 2/1/23

GENERAL INFORMATION:

A Location/Conformance (L/C) Permit is required: (1) for all changes of land use and commercial activities within Cascade County jurisdiction and (2) prior to the construction of all buildings and structures two-hundred (200) square feet or larger on all lands within Cascade County jurisdiction. L/C Permits are not required for "site preparation," as defined in the Cascade County Zoning Regulations (CCZR). L/C Permits are to be issued for one use and are required for each tract of land. Legally issued L/C Permits shall expire one year after the date of approval if construction or the use permitted has not started. A one-time-only twelve (12) month extension may be granted by the Zoning Administrator upon request. L/C Permit applications require a non-refundable application fee of fifty dollars (\$50.00) unless non-site preparation work started prior to the issuance of an L/C Permit; post-work projects require a non-refundable application fee of two hundred dollars (\$200.00).

PROJECT INFORMATION:

Project Address		<u>47 Diamond In. Gr-falls, MT 59405</u>				<input type="checkbox"/> Needs an Address (This is an additional \$25 fee)			
Estimated Project Value (\$)		<u>500,000 -</u>							
PROPERTY DESCRIPTION	Legal Description	Section	<u>SE 32</u>	Township	<u>20N</u>	Range	<u>4E</u>	COS/Plat No.	<u>3665</u>
		Part, Tract, Block, Lot Descriptors...							
		Subdivision							
	Parcel No.	<u>2664500</u>		Geocode	<u>02-3014-32-4-01-01-0000</u>				
Total Parcel Area		<u>161</u>	Unit:	<input checked="" type="checkbox"/> Acres	<input type="checkbox"/> Square Feet				
APPLICANT (Property Owner, Contractor, Business Representative, Engineer, etc. that is filling out this form)	Name	<u>Zachary J Dreher</u>							
	Address	<u>39 Diamond In. Gr-falls, MT 59405</u>							
	Phone No.	<u>406-590-3914 or 406-750-7791</u>							
	Email	<u>dreher2111@gmail.com</u>							
	Preferred Method of Contact	<u>both</u>							
PROPERTY OWNER (If different from the Applicant)	Name	<u>Same as above</u>							
	Address								
	Phone No.								
APPLICATION TYPE	<input type="checkbox"/> Change of use		<input checked="" type="checkbox"/> New build		<input type="checkbox"/> Alteration				
	Previous use								
USE TYPE	<input checked="" type="checkbox"/> Single-Family Residential		<input type="checkbox"/> Multi-Family Residential		<input type="checkbox"/> Public/NGO				
	<input type="checkbox"/> Duplex		<input type="checkbox"/> Mobile Home		<input type="checkbox"/> Sign				
	<input type="checkbox"/> Commercial		<input type="checkbox"/> Industrial		<input type="checkbox"/> Registered Premise				
	<input type="checkbox"/> Garage/Shop/Barn		<input type="checkbox"/> Home Occupation		<input type="checkbox"/> Other: _____				
STRUCTURES	Total Existing Structure Area (sq. ft.)		<u>9,600 sq'</u>		Number of Existing Structures		<u>2</u>		
	Total Proposed Structure Area (sq. ft.)		<u>3,000 sq'</u>		Number of Proposed Structures		<u>1</u>		
	Total Area of Alteration (sq. ft.)		<u>4,000 sq'</u>						
WATER/WASTE	Type of Wastewater Disposal		<u>Septic System</u>				Will the proposed project be using water/wastewater?		
	Water Supply Source		<u>well</u>				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
AG COVENANT	Are there any agricultural covenants on this property?						<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

PROJECT DESCRIPTION:

(Please explain what you plan to do)

Build a 4 bed / 3 bath house on our 164 acres.

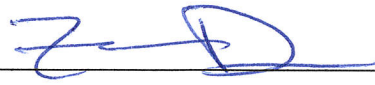
SUBMISSION CHECKLIST:

Location/Conformance Permit Applications shall be submitted to the Cascade County Planning Department for review. The following checklist **must be completed and signed by** the Applicant before this Application can be reviewed. All supporting permits and forms must be attached.

- ☐ A site plan containing the following information:
 - ☐ A scale not less than one inch equals one-hundred feet (1" = 100').
 - ☐ Name and address of the Applicant.
 - ☐ Legal description and boundary lines of the property being considered for review.
 - ☐ Existing and proposed land use upon the site.
 - ☐ Names of owners and existing land use on adjacent property.
 - ☐ Location, size, dimensions, and uses of existing and proposed buildings and improvements.
 - ☐ Location and description of existing and proposed utilities.
 - ☐ Location and dimensions of curb cuts and access points.
 - ☐ Location, size, dimensions, and the number of off-street parking spaces, including on-site vehicular driveways and type of surface improvements.
 - ☐ Location and type of existing and proposed landscaping or buffering.
 - ☐ Location, type, and height of existing and proposed fencing and screening.
 - ☐ Location, type, and height of sight-obscuring improvement surrounding areas of storage for raw materials, finished products, machinery, and equipment.
- ☐ A copy of the Subsurface Wastewater Treatment System Permit Application (attached). This is **required for** projects installing a septic system, re-utilizing a pre-existing septic system, or increasing the capacity of a pre-existing septic system on the subject property.
- ☐ A copy of the General Permit for Small Municipal Separate Storm Sewer Systems (MS4) Permit Application (attached). This is **required for** projects that will disturb an acre or more of land.
- ☐ A copy of the Floodplain Permit Application (attached). This is **required if** the project is in a regulated floodplain.
- ☐ A copy of the Approach Permit Application (attached). This is **required if** the proposed approach is from a county or state road.

ATTESTATION STATEMENT AND SIGNATURE:

I hereby certify that the information given herein is true and correct to the best of my knowledge. There are no restrictions placed upon my property which would prohibit the issuance of this permit. If there are any restrictions, then this permit shall become null and void. I hereby grant permission to any Cascade County Zoning Official to enter my property to inspect for compliance with the County Zoning Regulations in relation to this application.

Signature of Applicant: 

Date: 2-1-23

Signature of Property Owner: 

Date: 2-1-23

OFFICE USE ONLY PAGE

DO NOT FILL OUT THIS PAGE UNLESS YOU ARE AN AUTHORIZED CASCADE COUNTY GOVERNMENT EMPLOYEE

REGISTRY DATA

Applicant's Fee(s): <input checked="" type="checkbox"/> Pre-work (\$50.00) <input type="checkbox"/> Post-work (\$200.00) <input checked="" type="checkbox"/> Addressing (\$25.00)	
Payment Type: <input checked="" type="checkbox"/> Check No.: <u>2462</u> <input type="checkbox"/> Cash <input type="checkbox"/> Electronic Payment	
Date Application Received: <u>2/1/2023</u>	Application Number: <u>024-2023</u>
Date Application Approved: _____	Approved by (Staff): _____
Approved Permit Number: _____	Assoc. SUP, HOP, and/or L/C Permit No.: <u>SUR 023-2023</u>

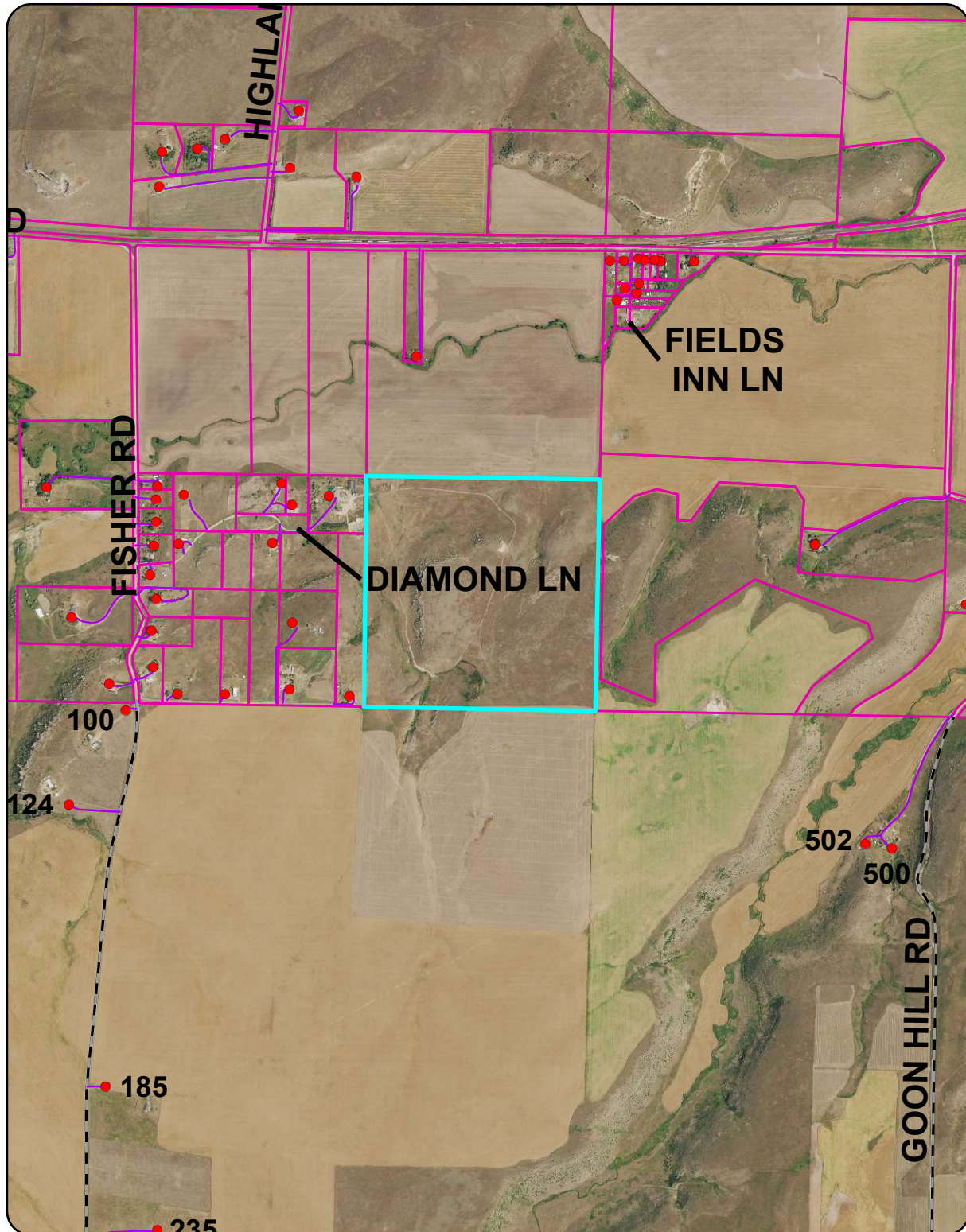
REVIEW ITEMS

Zoning District: <u>SB-2</u>	
Restrictions/Covenants:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Type: _____
Physical/Legal Access:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Setback Requirements (ft):	Front: _____ ft. Rear: _____ ft. Side: _____ ft. Other: _____ ft.
Parking Requirements:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Existing: _____ Required: _____ Proposed: _____
Landscaping Requirements:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Frontage Option: _____ Buffer Option: _____
	Administrative Relief Requested: <input type="checkbox"/> Yes <input type="checkbox"/> No
	Administrative Relief Granted: <input type="checkbox"/> Yes <input type="checkbox"/> No
Height Requirements:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Airport Zone: _____ <input type="checkbox"/> Military Overlay District: _____
Floodplain:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Permit Attached: # _____ <input type="checkbox"/> Yes <input type="checkbox"/> No
Variance Request:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Variance Approval Attached: # _____ <input type="checkbox"/> Yes <input type="checkbox"/> No
Approach Permit:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Approach Permit Attached: # _____ <input type="checkbox"/> Yes <input type="checkbox"/> No
City-County Health Department Approval:	<input type="checkbox"/> Yes <input type="checkbox"/> No Permit Attached: # _____ <input type="checkbox"/> Yes <input type="checkbox"/> No
MS4:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Addressing Approval:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Addressing Approval Attached: # _____ <input type="checkbox"/> Yes <input type="checkbox"/> No

DATA COLLECTION

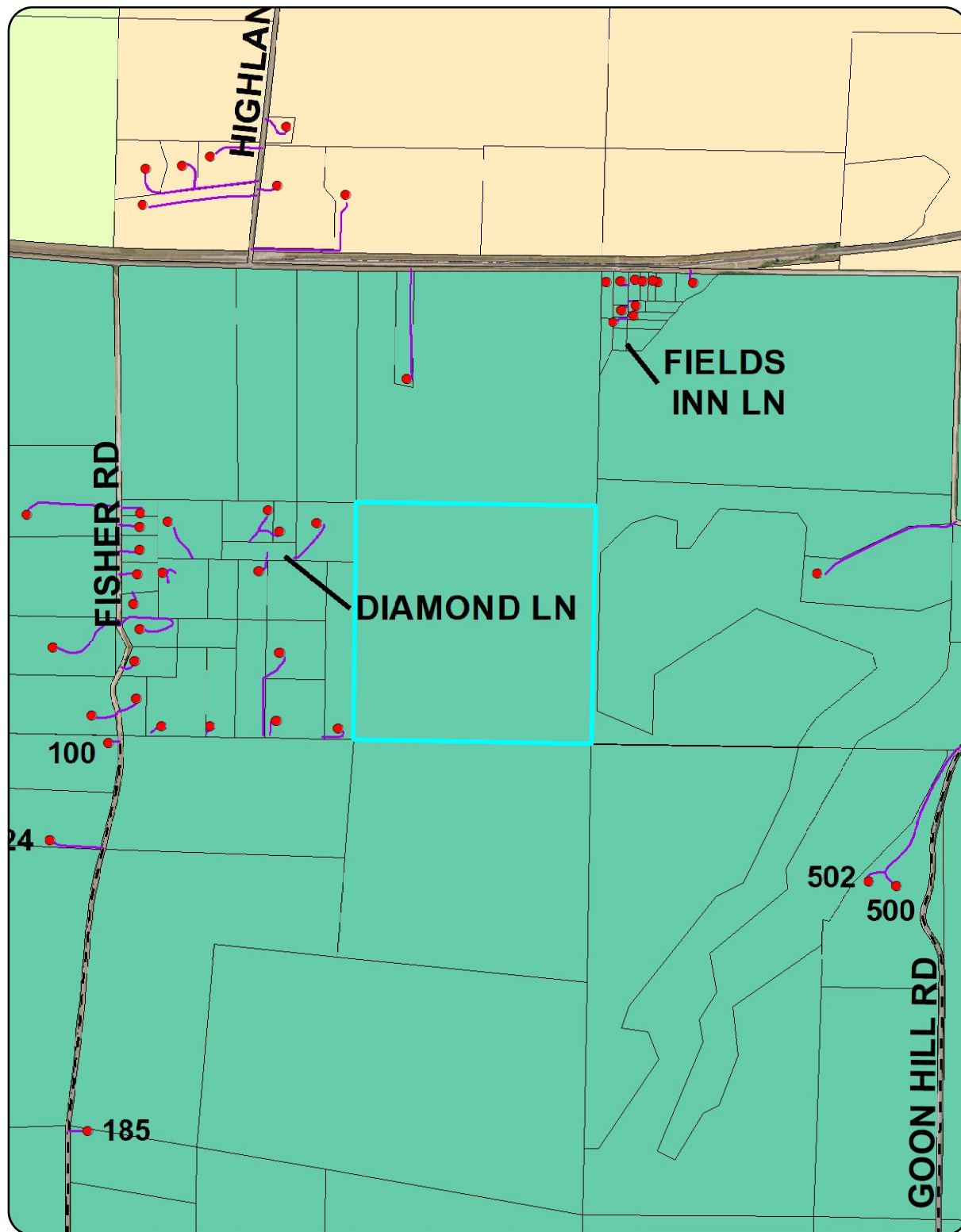
Permit Category:	<input type="checkbox"/> Residential	<input type="checkbox"/> Public/NGO	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial
Permit Type:	<input type="checkbox"/> Dwelling Unit(s)	<input type="checkbox"/> Administrative, Waste Management and Remediation Services	<input type="checkbox"/> Agriculture, Forestry, Hunting or Fishing	
	<input type="checkbox"/> Utilities	<input type="checkbox"/> Transportation and Warehousing	<input type="checkbox"/> Arts, Entertainment, Recreation	
	<input type="checkbox"/> Manufacturing	<input type="checkbox"/> Mining, Quarrying, O & G	<input type="checkbox"/> Accommodation and Food Services	
	<input type="checkbox"/> Construction	<input type="checkbox"/> Finance and Insurance	<input type="checkbox"/> Educational Services	
	<input type="checkbox"/> Information	<input type="checkbox"/> Real Estate and Rental/Leasing	<input type="checkbox"/> Wholesale Trade	
	<input type="checkbox"/> Retail Trade	<input type="checkbox"/> Prof., Scientific, Tech. Services		
	<input type="checkbox"/> Public Admin.	<input type="checkbox"/> Health Care and Social Assistance		
	<input type="checkbox"/> Other Services	<input type="checkbox"/> Signs		
	<input type="checkbox"/> Other Structures			

SUP 004-2023 Vicinity Map



The geographical representation of this map and/or drawing is provided for informational purposes only and should be used for **Reference Only**. Any information represented here is **not** guaranteed to be accurate or current. No reliance on angles, distances, area sizes or other land survey data should be assumed without verification by the user. Neither Cascade County nor the Cascade County GIS Division accepts any responsibility for errors or omissions. This document may not be reproduced, edited, or otherwise altered in any way without advanced permission of the Cascade County GIS Division or Cascade County Commission.

SUP 004-2023 Zoning Map



- Legend**
- CascadeCntryStructures
 - CascadeCntryDriveways
 - CascadeCntryRoads
- Cascade County Zoning Parcels**
- ZONECODE**
- 1 Agriculture
 - 2 Belt
 - 3 Cascade
 - 4 Commercial
 - 5 Flood Road
 - 6 Industrial - 1
 - 7 Mixed Use
 - 8 Mixed Use - 20
 - 9 Neihart
 - 10 Open Space
 - 11 Railroad
 - 12 Roadway
 - 13 Rural Residential - 5
 - 14 Suburban Residential - 1
 - 15 Suburban Residential - 2
 - 16 Urban Residential
 - 17 Waterbody
 - 18 AirportDetail
 - 19 MAFBDetail



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- (16) Public Institution.
- (17) Public Safety Facility.
- (18) Retirement Home.
- (19) Worship Facility, where off-street parking is provided as set forth in Section 8.4.

7.2.3 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PRINCIPAL USE

- (1) Accessory Building/Structure (i.e. carport, bathhouse, greenhouse, gardening shed, recreation room and similar structure) which is customarily used in conjunction with and incidental to a permitted principal use or structure.
- (2) Customary Home Occupation (see definition of Home Occupation and Section 8.16).
- (3) Private Garage (accessory use only).
- (4) Professional Office in a Residence.
- (5) Tower and Studio Facilities related to radio, television broadcasting stations, telecommunications, amateur radio station and/or antenna meteorological towers, residential wind turbines not to exceed 50 kW, Amateur Radio operations, subject to the requirements in Section 8.8 of these regulations.

7.2.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

- (1) Community Residential Facility with nine occupants or more.
- (2) Excavation of Sand and Gravel.
- (3) Recreation Building or Area operated by membership clubs for the benefit of members and not for gain.
- (4) Second Dwelling, including accessory dwelling units (examples: 1 single family home with garage apartment; or 1 duplex for two families; or two single family homes).
- (5) Structures meeting the definition of accessory building/structure but without a principal use – residential use only; no commercial use allowed, (not accessory, stand-alone structure).
- (6) Tourist Home.
- (7) Utility Installation, Minor.

7.2.5 GENERAL REQUIREMENTS AS PER SECTION 7.1.

7.3.3 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE

- (1) Accessory Building / Structure (i.e. carport, bathhouse, greenhouse, gardening shed, recreation room and similar structure) which is customarily used in conjunction with and incidental to a permitted principal use or structure.
- (2) Customary Home Occupation (see definition of Home Occupation and Section 8.16).
- (3) Private Garage (accessory use only).
- (4) Professional Office in a Residence.
- (5) Tower and Studio Facilities related to radio, television broadcasting stations, telecommunications, amateur radio station and/or antenna meteorological towers, residential wind turbines not to exceed 50 kW, Amateur Radio operations, subject to the requirements in Section 8.8 of these regulations.

7.3.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

- (1) Use permitted upon issuance of a special permit as set forth under RR-5 District regulations may be used in the SR-1 and SR-2 Districts.
- (2) Bed and Breakfast.

7.3.5 GENERAL REQUIREMENTS AS PER SECTION 7.1.

SECTION 10. STANDARDS FOR SPECIAL USE PERMITS

10.1 GENERAL PROVISIONS

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

A Special Use Permit may be issued only upon meeting all requirements in these regulations for a specific use which is explicitly mentioned as one of the "Uses Permitted Upon Issuance of a Special Use Permit" within the respective zoning districts contained in Section 7 or Section 8.1.5 hereof. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Special Use Permit. A separate Special Use Permit shall be required per each tract of land. The Special Use Permit fee shall be that listed in the Cascade County Planning Department's Fee Schedule.

10.2 REQUIRED PLAN

An Applicant must notify the Planning Department and request a pre-application meeting. The pre-application meeting will be scheduled within thirty (30) days of the request. At this meeting, staff will indicate the necessary information, process, and timeline for the special use permit process, including a signed Use Statement Form.

The application for a Special Use Permit must include the following and any additional materials requested by Planning Staff during a pre-application meeting or relevant to the Special Use Permit:

- (1) A Special Use Permit Application signed by the land owner and by the Applicant if different from the land owner.
- (2) A vicinity map of the parcels and surrounding area clearly identifying the location of the property.
- (3) A legal description of the property.
- (4) A lot layout plan may be required indicating some or all of the following:
 - a. Identify any covenants, liens, easements, or any other encumbrances upon the parcel. If a description will not suffice, provide copies or exhibits when necessary.
 - b. The land area of the parcel (found on deed, subdivision plat or certificate of survey at the County Clerk and Recorder's Office or Planning Department).
 - c. Describe the existing land use of the parcel and neighboring areas.
 - d. Describe the anticipated impact upon neighboring property.
 - e. On a Site Plan, indicate the dimensions of the property under

consideration, the size and placement of existing structures, parking areas and landscaping areas.

- f. On a Site Plan, indicate the location of existing curb cuts or access points, traffic access and circulation, drives, signs, exterior lighting, required yards and open spaces, landscaping, and screening.
- g. On a Site Plan, indicate the location of any existing utilities such as water, sewer, gas, electricity, storm sewer, rivers, creeks, streams, irrigation ditches, easements, historical land marks, or any other items that may affect the application and/or other pertinent information as required in Section 10.5 that may be necessary to determine if the special use meets the requirements of these regulations.

10.3 PUBLIC NOTIFICATION

A public hearing shall be required for all special use permit applications heard by the ZBOA. Notice shall be provided for as set by MCA § 7-1-2121. The notice shall be published in a newspaper of general circulation in Cascade County, twice with at least six (6) days separating each publication.

The owner of the property for which a special use is sought, or their agent and all adjacent land owners shall be notified of the hearing by certified mail. At the public hearing, the ZBOA will hear testimony from proponents and opponents of the special use permit application. After the public hearing is closed, the ZBOA may approve, deny, approve with conditions, or table for further consideration until the next ZBOA meeting, the special use permit.

10.4 EXPIRATION

A Special Use Permit Application, once deemed sufficient and prior to the hearing by the ZBOA, shall be scheduled for the next Board meeting unless a hold request is submitted. Only the Applicant may submit a hold request to the Planning Department and a hold request must include a set timeline for lifting the hold. No request to place an application on hold shall exceed six (6) months. An application shall expire after being on hold for six (6) months, or a material change to the application has been submitted. Upon expiration, a new Special Use Permit must be applied for.

The ZBOA approval of the Special Use Permit shall be valid for only one particular use and shall expire one year after the date of the approval if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension on the ZBOA approval.

The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the ZBOA prior to the date of expiration.

10.5 EXISTING VIOLATIONS

No permit shall be issued for a special use where there is an existing violation of these regulations or any other existing violations of Cascade County, State, or Federal Regulations or laws, or for delinquent county taxes.

10.6 STANDARDS APPLICABLE TO ALL SPECIAL USES

Before the ZBOA can approve any Special Use Permit, it must first reach each of the following conclusions:

- (1) Conditions may be required that the ZBOA determines if implemented, will mitigate potential conflicts in order to reach these conclusions.
- (2) The proposed development will not materially endanger the public health or safety. Considerations are the following:
 - a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersections and approaches.
 - b. Provision of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.
 - c. Soil erosion, sedimentation, and storm water runoff.
 - d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.
- (3) The proposed development will not substantially injure the value of adjoining property or is a public necessity.-Considerations are the following:
 - a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.
 - b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as a whole as to justify it regardless of its impact on the value of adjoining property.
- (4) The proposed development will be in harmony with the area in which it is located. Considerations are the following:
 - a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.
- (5) The proposed development will be consistent with the Cascade County Growth Policy. Considerations are the following:
 - a. Consistency with the Growth Policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its locational standards.
 - b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

10.7 OPERATIONS

Operations in connection with Special Use Permits shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

10.8 STAFF REVIEW

After an application is reviewed by the Planning Staff and deemed to be complete, staff will proceed with notification of adjoining property owners, posting of the notification of public hearings, and determine the date, time, and place for the public hearing to occur before the ZBOA.

10.9 ZONING BOARD OF ADJUSTMENT REVIEW

In reviewing Special Use Permit Applications, the ZBOA will hold a public hearing to allow the staff, petitioner, and other interested parties to present competent, substantial, and material factual evidence relating to the required conclusions. The Board will then discuss the petition and make findings of fact supported by the presented evidence. Based on those findings, the Board will decide whether or not it can reach each of the required conclusions. The Board may approve a petition only if it reaches all of the required conclusions. The Board may approve a petition subject to conditions reasonably necessary to carry out the purposes of this ordinance.

Note: The petitioner bears the burden of presenting sufficient factual evidence to support findings of fact that allow the Board to reasonably reach each of the required conclusions.

After hearing presented evidence and the Board's discussion, the petitioner may ask the Board's permission to revise the petition to address raised concerns. If the Board grants the request, the Board may either adjust conditions to the Special Use Permit or table the review process until the next ZBOA meeting to allow all interested parties the ability to submit additional comments to the revised petition.

If the petition is approved, the Planning Staff will prepare and issue the petitioner a Conditional Letter of Approval indicating the conditions upon which the Special Use Permit will be issued. Once the petitioner satisfies the conditions set forth by the ZBOA, the Planning Staff will issue the Special Use Permit.

10.10 APPEALING ZONING BOARD OF ADJUSTMENT DECISION

Appeals of the ZBOA decision shall follow the process as outlined in Section 12 of these regulations.

10.11 REVOCABILITY

A violation of a Special Use Permit will be treated as any other violation under Section 13 of these regulations.

**STAFF REPORT
ZONING BOARD OF ADJUSTMENT**

Thursday, March 16, 2023

9:00 a.m.

**Room 105 Courthouse Annex, Cascade County Commissioners Chambers
& Via Zoom (see www.cascadecountymt.gov for more information)**

SUP #005-2023

SUBJECT PROPERTY INFORMATION	
Name of Applicants & Owners:	Mark & Cortni Harant 1506 Central Ave Great Falls, MT 59401
Legal Description:	Lot 001, Block 619 of Great Falls Seventh Addition, Section 06, Township 20 North, Range 04 East, PMM, Cascade County, MT
Geo- Code:	02-3016-06-2-15-09-0000
Parcel Number:	1936000
Existing Zoning:	Mixed-Use (MU)
Requested Action:	Approval of a Special Use Permit to allow a Tourist Home on the subject property.
Surrounding Land Uses/Zoning:	North: Residential/ MU South: Residential/MU East: Commercial/MU West: Residential/MU
Current Land Use:	Residential
Applicable Regulations:	Sections 7.5.11(29) 10, and 16 of Cascade County Zoning Regulations ("CCZR")

General Information:

The Cascade County Zoning Board of Adjustment ("ZBOA") is in receipt of a Special Use Permit ("SUP") Application to allow for a tourist home on the Subject Property. The Applicant is requesting that a SUP be granted as required by Section 7.5.11(29) of the CCZR. The standards set forth in Section 10 of the CCZR are applicable to Special Use Permits.

The property is in violation of the CCZR due to an unpermitted change of use from a "detached personal garage" permitted by Location/Conformance Permit #051-08 to include a second residential dwelling. A "second single-family dwelling" is not an allowed use in the MU District. An existing single-family dwelling remains on the property. However, "tourist home" is an allowable use in the MU District, and is defined as "[a] private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis." The Applicant seeks approval of this SUP to allow a "tourist home" that will remedy the pending violation. The property is not known to be in violation of any other County ordinances, and county taxes are current.

Legal Notice of the Application and the public hearing was published in the Great Falls Tribune on March 5, 2022, and March 12, 2023, and were mailed to adjacent property owners, via certified mail, on February 23, 2023 and emailed to interested agencies on February 27, 2023.

The Planning & GIS Department provides that the following analysis, findings and conclusion for each of the required criteria provided under the controlling sections of the Zoning Regulations in the Findings of Fact and Conclusions for SUP #005-2023, incorporated by reference into this Staff Report and attached.

Section 10.7 Operations

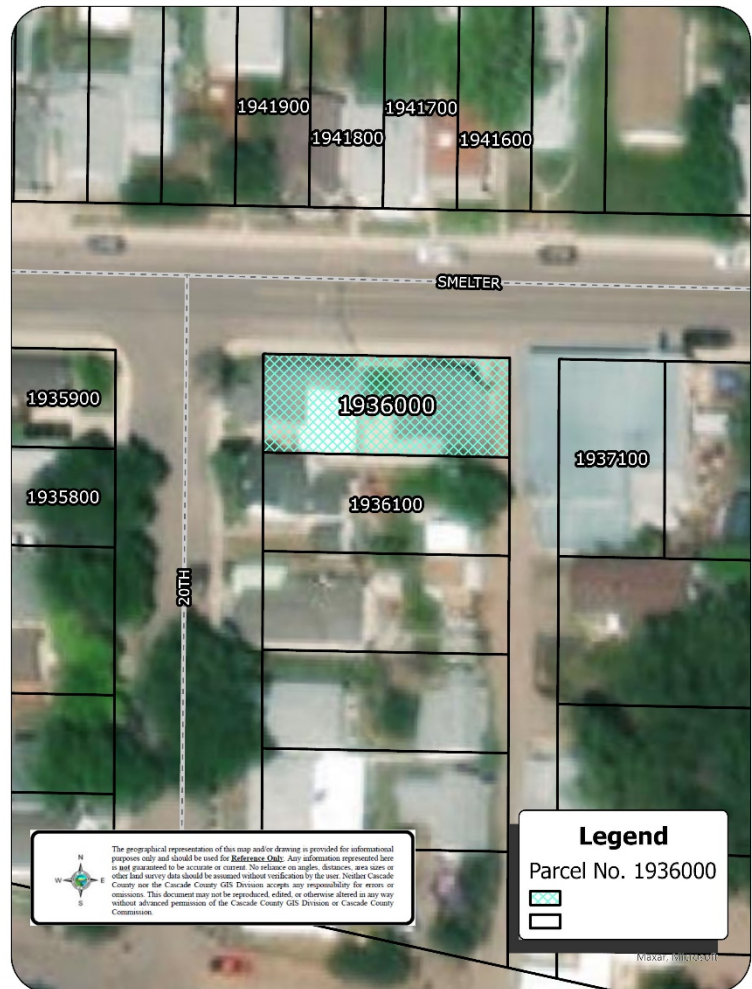
Operations in connection with the SUP shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

Staff: Based on the information provided in the application, the proposed use is not expected to be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights.

Motions:

The following motions are provided for the Board's consideration:

- A. Move that Special Use Permits #005-2023 to allow a tourist home on Parcel #1936000 be **denied** due to (*Board must make findings delineating the legal reason for denial*); or
- B. Move the Board to adopt the Staff Report in its entirety with Findings of Fact and Conclusions and **approve** Special Use Permits #005-2023 to allow a tourist home, on Parcel #1936000, subject to the following conditions:
 1. The Applicant obtains any other required county, state, or federal permits and approvals, and comply with the laws, rules, regulations, and/or ordinances associated with any other permits and approvals.



2. The tourist home is to be rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis only (MCA §50-51-102)

Attachments:

- Findings of Fact & Conclusions for SUP #005-2023
- Special Use Permit Application
- Vicinity & Zoning Maps
- Great Falls Seventh Addition Original Plat
- Notice of Violation
- Applicable Zoning Regulations
- Comment(s)

cc: Mark & Cortni Harant

Findings of Fact & Conclusions for Special Use Permit #005-2023

The Planning & GIS Department provides that the following analysis, findings and conclusion for each of the required criteria provided under the controlling sections of the Zoning Regulations. Conditions may be required that the ZBOA determines if implemented, will mitigate potential conflicts in order to reach these conclusions.

Standards Applicable to Special Uses (CCZR § 10.6)
A. The proposed development will not materially endanger the public health or safety
(1) Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersections and approaches.
Applicant Response: Not applicable as building has been there for 10 plus years and I used it every day as my shop.
Staff Analysis: According to the site listing, the tourist home is 1 bed and 1 bath and will be accessed off of Smelter Avenue. Two comments were received at the time of writing this report stating that adjacent property owners are concerned about traffic. A significant increase in traffic is not expected that would result in materially endangering the public health or safety, and the road infrastructure in Black Eagle will be able to handle additional tenants. The proposed tourist home has a two-car garage that provides adequate off-street parking. An interested agency notice was sent to Cascade County Public Works-Road & Bridge Division who expressed no concerns.
(2) Provisions of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.
Applicant Response: Not applied as not changing anything that hasn't already been there.
Staff Analysis: The tourist home will be serviced by the Black Eagle Water District and the Black Eagle Volunteer Fire Department. Garbage will be collected by Republic Services. Gas and electric will be serviced by Northwestern Energy and Energy West. Law enforcement will be provided by the Cascade County Sheriffs Department. Two comments were received that expressed concern about theft resulting in the use of the tourist home. An interested agency notices was sent to the Cascade County Sheriff's Department and no response was received. The two commenters did not provide any data to go along with their concerns. At this time increased risk to public safety by this proposed use is not anticipated. Condition #1 has been proposed to ensure that all necessary permits and approvals are obtained prior to the use beginning.
(3) Soil erosion, sedimentation, and storm water runoff.
Applicant Response: Not applicable as stated above.
Staff Analysis: The property is located within the MS4 boundary; however, due to no new improvements being proposed with this Special Use Permit, Kevin May, the MS4 Coordinator did not have any comments regarding stormwater runoff. The property has a gentle one-foot slope to the west and soil erosion and sedimentation is not anticipated with this proposed use.
(4) Protection of public community, or private water supplies, including possible adverse effects on surface waters or groundwater.
Applicant Response: No change as concrete and grass.

Findings of Fact & Conclusions for Special Use Permit #005-2023

Staff Analysis: There are no surface water located on the property or in the adjacent vicinity. The structure is hooked up to Black Eagle water and any effect on private water supplies due to this use is not anticipated.
B. The proposed development will not substantially injure the value of adjoining property or is a public necessity.
(1) The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.
Applicant Response: Not an issue as neighbors have no issues.
Staff Analysis: The property is surrounded by residential uses on three of the four sides, with the fourth side being a commercial structure. The proposed tourist home would be used for transient residents only. Upon review, it does not appear that there are other tourist homes within the vicinity; however, the use of a tourist home is similar to that of a single-family dwelling in the sense that it is still being used for residential purposes. There is an existing approach and driveway that provide for off street parking that would be in harmony with the surrounding area.
(2) Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as a whole as to justify it regardless of its impact on the value of adjoining property.
Applicant Response: No issue as has been there for 10 plus years.
Staff Analysis: This project has not been deemed so necessary to the public health, safety, and general welfare of the community to justify is regardless of its impact on the value of adjoining property.
C. The proposed development will be in harmony with the area in which it is located.
(1) The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.
Applicant Response: It's not a new development neighbors probably like it better as won't have my work truck or delivery trucks showing up.
Staff Analysis: The proposed use of a tourist home would be considered in harmony with the surrounding area due to the residential nature of the use. There is adequate off street and on street parking adjacent to the subject property that would eliminate many of the conflicts between the adjoining properties
D. The proposed development will be consistent with the Cascade County Growth Policy.
(1) Consistency with the Growth Policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its locational standards.
Applicant Response: The property is well-maintained.
Staff Analysis: The proposed use is consistent with the growth policy.
Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

Findings of Fact & Conclusions for Special Use Permit #005-2023

- A. Stimulate the retention of existing businesses and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing, and forest products.***

Applicant Response: Use as a tourist home means more likelihood of tenants/patrons using local restaurants and other services in the greater Great Falls area.

Staff Analysis: While the Applicant references the use above as a multifamily dwelling, this SUP Application is for a tourist home only providing residential accommodations for transient guests on a daily or weekly basis. The structure only contains one dwelling unit that does not meet the multifamily dwelling definition. The proposed use provides accommodations to traveling guest whether for tourism or work-related purposes and may have a positive effect on the retention of businesses, expansion of businesses, new business, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products who are in need of temporary workers. Condition #2 has been proposed to meet this goal.

- B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.***

Applicant Response: When uses as a VRBO or rental gives visitor a place to stay comfortably.

Staff Analysis: The proposed use does not encourage the use of natural resources within Cascade County. It is likely to have little to no effect on diversifying the county's tax base.

- C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.***

Applicant Response: Not a business but allows much needed rental spaces for traveling nurses, doctors, businessperson, and military personnel look to settle here.

Staff Analysis: The proposed use is residential by nature. Little to no effect will be had on existing businesses.

- D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.***

Applicant Response: When used as VRBO opens up wide diverse population to visit Great Falls and see potential of moving here permanently and possibly buy property or start business.

Findings of Fact & Conclusions for Special Use Permit #005-2023

Staff Analysis: The proposed use is able to promote the development of cultural resources and tourism simply by being a dwelling for transient populations through VRBO and Air B & B.

E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.

Applicant Response: Again, gives rent for possible investors coming have to look at what GF has to offer.

Staff Analysis: The proposed use does not foster well-planned entrepreneurship due to the fact that the residents within the proposed tourist home would not be relocating to Cascade County full-time, but will be there intermittently.

F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.

Applicant Response: Rental usage helps my housings grow which in turn gives me extra income to build other good properties.

Staff Analysis: This project will have little to no effect on this goal.

G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.

Applicant Response: Rental property is 1 block of 2 best restaurants in Great Falls. 3-D and Boris also close to Anaconda Hills Golf Course.

Staff Analysis: The proposed use is within support of this goal as the residents of this proposed tourist home are likely to shop local which would improve local trade capture.

H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.

Applicant Response: The rental would provide temporary housing for employees brought in for short-term consulting and skilled services at such institutions as Calumet, the hospital, and other such businesses as well as provide a place to stay for people who come for events and tourism.

Staff Analysis: The proposed use will have little effect on this goal. The proposed tourist home would not need to network with other development efforts in the region and state due to the proposed use being residential.

Findings of Fact & Conclusions for Special Use Permit #005-2023

I. Encourage the growth of the agricultural economy.

Applicant Response: Not sure how it would help agricultural economy other than rental property for bossed corporations in housing employees while attending meeting in GF area.

Staff Analysis: The proposed use will have little effect on the growth of the agricultural economy.

J. Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy.

Applicant Response: Not sure if stimulated this bad building is very well insulated so not a big energy user.

Staff Analysis: No alternate energy methods were proposed within the application package.

Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.

Objectives:

A. Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.

Applicant Response: Not sure rental space has anything to do with farmlands and forests.

Staff Analysis: The proposed tourist home will have little to no effect on the continuance of agriculture and forestry, as it is located within a platted subdivision within Black Eagle. (See Great Falls Seventh Addition Original Plat, attachment #4)

B. Preserve Cascade County's scenic beauty and conserve its forests, rangelands, and streams, with their abundant wildlife and good fisheries.

Applicant Response: Not sure other than building is in great shaped not an eye sore.

Staff Analysis: The proposed use is located within a platted subdivision and located near existing development. Due to the location of the property, the proposed use would be preserving Cascade County's scenic beauty, forests, rangelands, and streams.

Findings of Fact & Conclusions for Special Use Permit #005-2023

C. Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.

Applicant Response: Building is in very good shape and is very well-maintained not an eye sore like other properties in area. Would promote other property owners to improve their properties.

Staff Analysis: The project location is within the town of Black Eagle, north of the city of Great Falls. The proposed use supports this goal due the location in a platted subdivision.

D. Assure clean air, clean water, a healthful environment, and good community appearance.

Applicant Response: Building is well insulated so keeps air cleaner as it doesn't take much to heat it. Cleaner air less power consumption.

Staff Analysis: The proposed use is not anticipated to adversely impact the clean air, water and environment within the town of Black Eagle. The applicant will be responsible for obtaining all necessary permits and approvals from any other agency to ensure the clean air, water and environment of Black Eagle is maintained. Cascade County also has a community decay ordinance that the property owner must be cognizant of and continue to maintain a good community appearance.

E. Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production.

Applicant Response: Only support here is to give potential companies a place for employees to stay while at meetings in area.

Staff Analysis: The proposed use is likely to have little to no effect on the development of natural resources within Cascade County.

F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields processes.

Applicant Response: Being as this property is in Black Eagle by the old Anaconda Mineral company when I bought property I brought in new top soil to replace old.

Staff Analysis: The subject property is located in Community Soils Operable Unit, 01 (OU1) for the ACM Smelter & Refinery Superfund site.¹

¹ [Record of Decision - ACM Smelter and Refinery \(epa.gov\)](#)

Findings of Fact & Conclusions for Special Use Permit #005-2023

Goal 3: Maintain Agricultural economy

A. Protect the most productive soil types.

Applicant Response: Back yard has 2 small garden areas.

Staff Analysis: The subject property is mainly Kobar-Marias complex soil. Which has a typical profile of silty clay loam. This soil is not classified as prime farmland² per the USDA Web Soil Survey.

B. Continue to protect soils against erosion.

Applicant Response: Lawn is watered mound and well-maintained driveway is concrete.

Staff Analysis: The subject property is gently sloped and has curbs adjacent to the property to allow for stormwater run off to be routed into the nearby storm drains. The subject property is not likely to experience erosion of the soil and should have little to no effect on adjacent properties soils.

C. Protect the floodplain from non-agricultural development.

Applicant Response: We are high above any floodplain.

Staff Analysis: The subject property is not located within the Special Flood Hazard Area³.

D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.

Applicant Response: Other than tenants buying groceries from local.

Staff Analysis: The proposed use will have little to no effect on the development of the value-added agriculture industry.

Goal 4: Retain the presence of the US Military in Cascade County.

Objectives:

² [Web Soil Survey \(usda.gov\)](https://websoilsurvey.sc.egov.usda.gov/)

³ [FEMA's National Flood Hazard Layer \(NFHL\) Viewer \(arcgis.com\)](https://arcgis.com)

Findings of Fact & Conclusions for Special Use Permit #005-2023

- A. *Encourage the federal congressional delegation to actively support*
- B. *Promote the location of additional military missions in Cascade County.*
- C. *Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.*
- D. *Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.*

Applicant Response:

- A. Gives military personnel off base housing.
- B. Gives military personnel a place to live.
- C. Same as above.
- D. Same as above.

Staff Analysis: The subject property is located within MOD-F of the Military Overlay District and is not located within 2,400 feet or 1,200 feet of a MAF or LF which would restrict structure height to 50 feet. At the time of writing this report, no comment was received from the Malmstrom Air Force Base.

Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Objectives:

- A. *Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.*

Applicant Response: Rental is close to Black Eagle Park where people can get to know one another and gives them a place to live while getting to know GF area.

Staff Analysis: The proposed use is not anticipated to have an effect on Cascade County Citizen's independent lifestyle.

- B. *Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.*

Applicant Response: What more rooted in natural resources and cultural heritage than Black Eagle and it's history.

Staff Analysis: The subject property is not located within a cultural or archeological site and shall have little to no effect on the preservation of Cascade County's cultural heritage.

- C. *Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.*

Findings of Fact & Conclusions for Special Use Permit #005-2023

Applicant Response: Being in Black Eagle a person renting would be able to join the BE Volunteer Fire Department.

Staff Analysis: The subject property is not located within the wildland-urban interface, but due to an increased density in the area, the property owner must properly maintain the subject property in order to reduce fire risk in the area. The Black Eagle Volunteer Fire Department will service the property.

D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.

Applicant Response: Rental spaces would be open to traveling educators, health care professionals and other possible company executives.

Staff Analysis: The proposed use will not influence educational programs or facilities recreational opportunities and health services due to only transient residents utilizing the proposed tourist homes.



Cascade County Special Use Permit Application

Cascade County Planning & GIS Department
121 4th St N, Suite 2H/I
Great Falls, MT 59401
Phone: 406-454-6905 Fax: 406-454-6919

Permit No: _____
App. No.: 604-2023
Applied Date: 2/10/23

005-2023

General Information

A Special Use Permit (SUP) is required for uses in which conformance to additional standards will be required due to characteristics that are unique and special to the use. SUPs are to be issued for one specific use and are required for each tract of land. Legally issued SUPs shall expire one year after the date of approval if construction, or the use permitted, has not started. A one-time only six (6) month extension may be granted by the Zoning Board of Adjustment (ZBOA) upon request. SUP applications require a non-refundable application fee of five hundred dollars (\$500.00). If a SUP is applied for after the fact or construction/use starts before a permit is issued, then a non-refundable Application fee of seven hundred and twenty-five dollars (\$725.00) is required. Each SUP application shall be accompanied by a Location/Conformance (L/C) Permit application for changes in use and/or structures associated with the SUP application. The L/C Permit application fee **is included** in the SUP application fee.

Application Information

Property Owner Name: Mick & Corinne Harant
Applicant Name: Sam
Application Type: ☒ Change of Use ☐ New Structure(s)
Special Use Call Out: Tourist Home

Understanding the Regulations

The proposed use must be specifically mentioned as a category in Uses Permitted Upon Issuance of a Special Use Permit within Section 7 of the Cascade County Zoning Regulations. Portions of the County Zoning Map and the Zoning Regulations are available at the Cascade County Website at <https://www.cascadecountymt.gov/245/Planning>.

Steps of the Application Process

- (1) Schedule a Pre-Application meeting with planners to ensure the project will meet the standards for Special Use Permits as outlined within Section 7 of Cascade County's Zoning Regulations.
- (2) Complete, sign and submit a Special Use Permit application, Location/Conformance Permit application and a Use Statement Form, with the \$500.00 non-refundable application fee to Planning Staff.
- (3) Diagrams, business plans, photographs and other documents may be requested as part of a complete application, depending on the applicant's proposal.
- (4) Planning Staff will notify interested agencies of the proposed project to request comments for the application.
- (5) Planning Staff will schedule a public hearing before the *Cascade County Zoning Board of Adjustment*;
- (6) Legal notice will be published twice in the Great Falls Tribune with at least six (6) days separating each publication.
- (7) Notice will be sent to all adjacent landowners via certified mail.
- (8) Planning Staff will present the application to the Zoning Board of Adjustment along with recommendations, based on findings of facts.
- (9) The *Zoning Board of Adjustment* will make a determination on the application; three (3) affirmative votes are needed to issue the permit.

- (2) The proposed development is a public necessity or will not substantially impact the value of adjoining property.
- a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

NOT AN ISSUE AS NEIGHBORS HAVE NO ISSUES

- b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as to justify it regardless of its impact on the value of adjoining property.

NO ISSUE AS HAS BEEN THERE FOR 10 PLUS YEARS

- (3) The proposed development will be in harmony with the area in which it is located.

- a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

ITS NOT A NEW DEVELOPMENT NEIGHBORS PROBABLY
LIKE IT BETTER AS WON'T HAVE MY WORK TRUCK
OR DELIVERY TRUCKS SHOWING UP

- b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

THE PROPERTY IS WELL MAINTAINED

SUP Growth Policy Criteria

Explain how the proposed use will be consistent with each of the Cascade County Growth Policy goal objectives. All objectives must be discussed. If an objective is not applicable, please explain why. The more information you can provide, the easier it is for staff and the Zoning Board of Adjustment to review the application.

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

Objectives:

- A. Stimulate the retention of existing businesses and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.

USE AS MULTIFAMILY DWELLING MEANS MORE LIKELY HOOD OF
TENANTS & PATRONIZING LOCAL RESTAURANTS, GIVES MILITARY PERSONAL
MUCH NEEDED AFFORDABLE RENTAL OPTIONS

- B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.

not sure how it would help Agricultural economy
other than rental property for "blessed"
corporations to house employees while attending
meeting in GF Area

- J. Stimulate the growth of the economy by encouraging the use of alternative methods of energy production, including wind energy.

not sure if stimulated this box building is very well
insulated so not a big energy user.

Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with natural resource development.

Objectives:

- A. Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.

not sure rental space has anything to do with
farm lands and forest

- B. Preserve Cascade County's scenic beauty and conserve its forests, rangeland and streams, with their abundant wildlife and good fisheries.

not sure other than building is in great shape
not an eyesore

- C. Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.

Building is in very good shape and is very well maintained
not an eyesore like other properties in area.
would promote other property owners to improve their
properties

- D. Assure clean air, clean water, a healthful environment and good community appearance.

Building is well insulated so keeps air cleaner as it
doesn't take much to heat it. cleaner air less
power consumption.

Goal 4: Retain the presence of the US Military in Cascade County

Objectives:

- A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.

gives military personnel all base housing

- B. Promote the location of additional military missions in Cascade County.

Giving military personnel place to live

- C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.

same as above gives military personnel
some where to live

- D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.

same as above

Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Objectives:

- A. Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.

Rental is close to Black Eagle Park where people
can get to know one another and gives them a place to
live while getting to know GF area

- B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.

What more rooted in natural resources and cultural
heritage than Black Eagle and its history

Office Use Only

Fee: ☐ Application Package \$500.⁰⁰
☐ After the Fact \$725.⁰⁰
(Includes L/C Application)

Payment Type: ☐ Check No.: ☐ Cash ☐ Electronic

Payment _____

Date Application Received: _____

Application Number: _____

Public Hearing Date: _____

☐ Completed L/C Application(s) ☐ Completed Use Statement

Application Approved On: _____

Associated Permit/Approvals Number(s): _____

Approved Permit No.: _____

Approved by (staff): _____

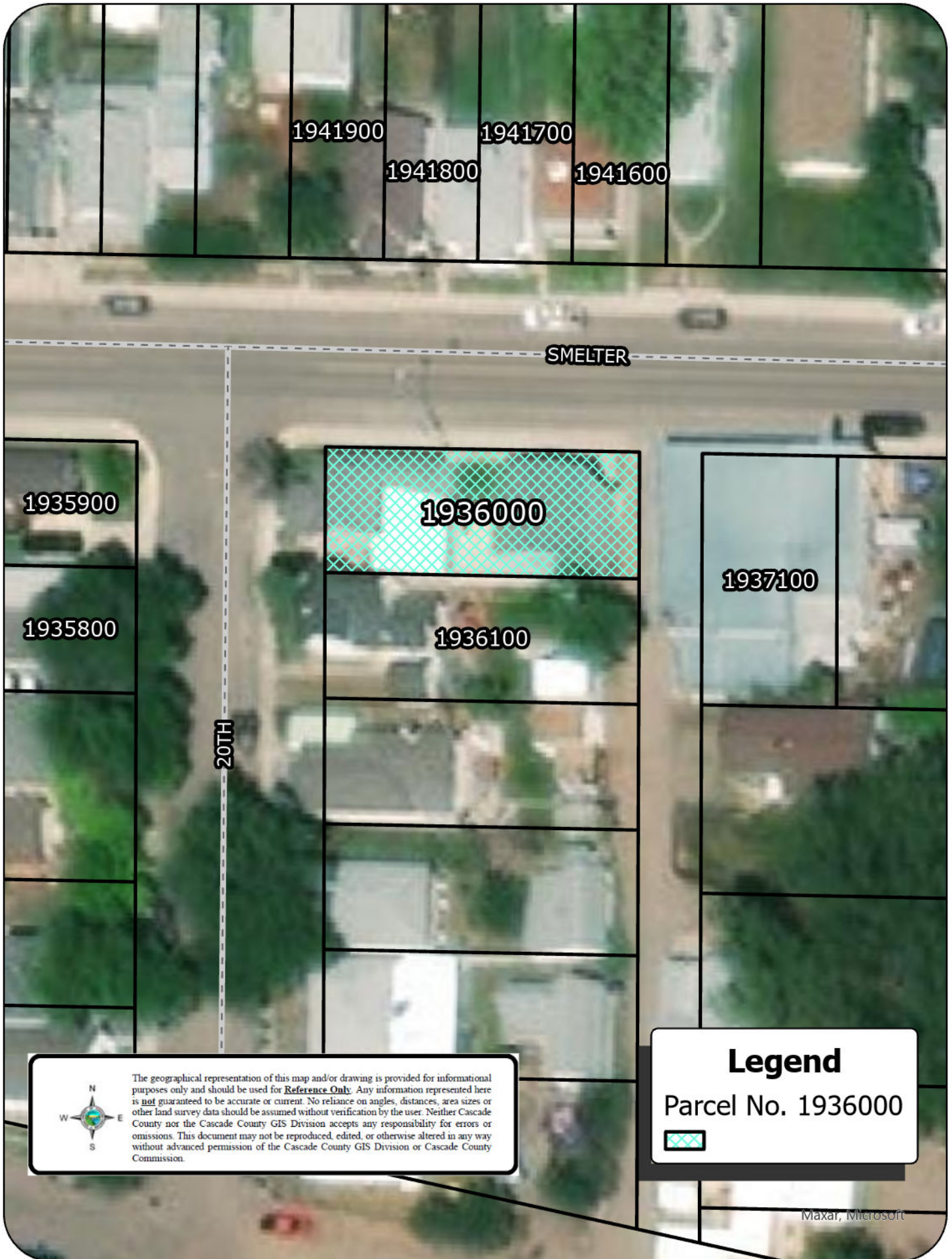
Review Items

SUP General Impacts Applicant Response Review

1.a.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient	2.a.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
1.b.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient	2.b.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
1.c.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient	3.a.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
1.d.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient	3.b.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient

SUP Growth Policy Criteria Applicant Response Review

Goal 1. A.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. B.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. C.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. D.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. E.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. F.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. G.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. H.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. I.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. J.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 2. A.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 2. B.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 2. C.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 2. D.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 2. E.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 2. F.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 3. A.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 3. B.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 3. C.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 3. D.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 4. A.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 4. B.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 4. C.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 4. D.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 5. A.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 5. B.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 5. C.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 5. D.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient

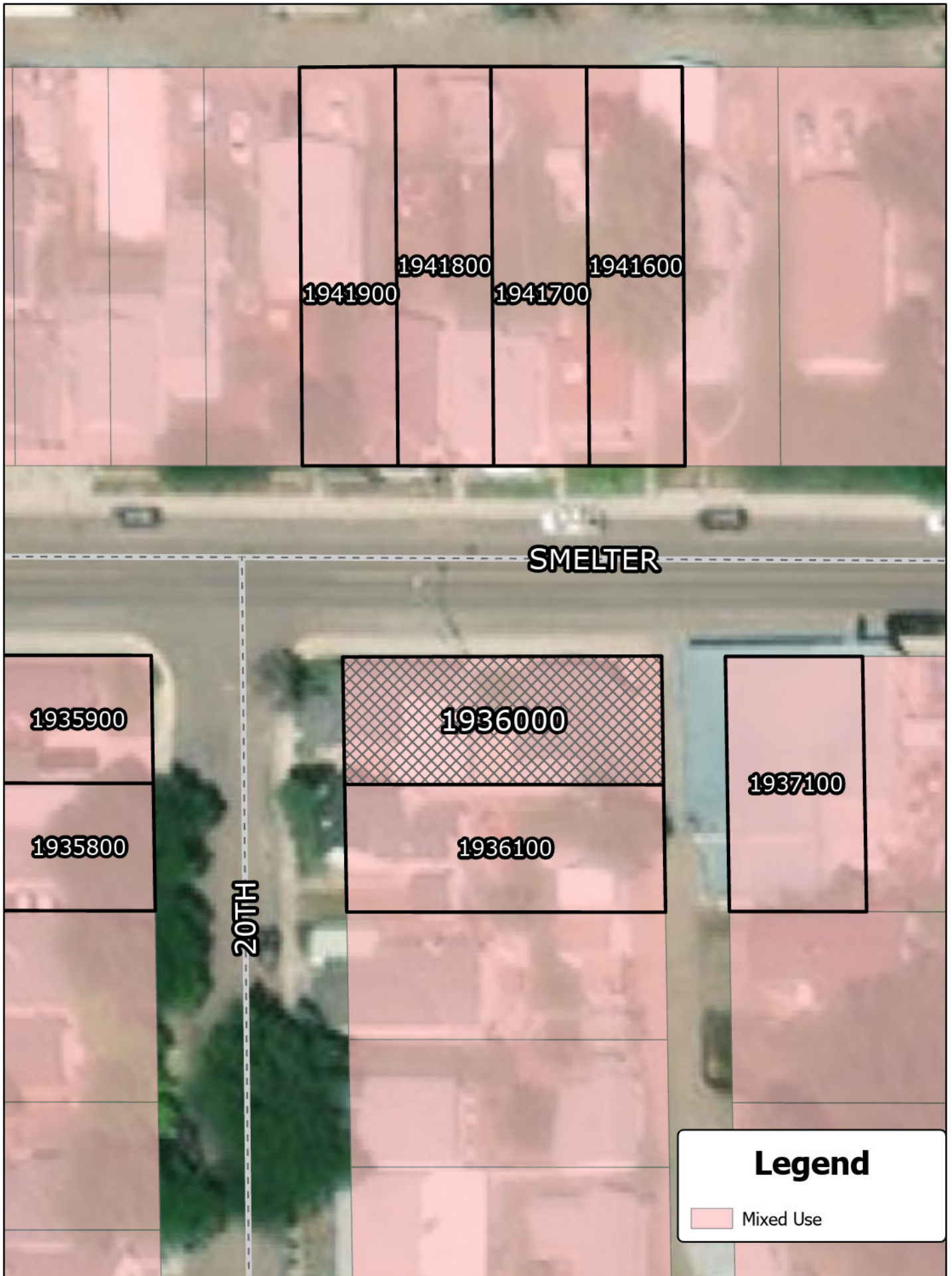


The geographical representation of this map and/or drawing is provided for informational purposes only and should be used for **Reference Only**. Any information represented here is **not** guaranteed to be accurate or current. No reliance on angles, distances, area sizes or other land survey data should be assumed without verification by the user. Neither Cascade County nor the Cascade County GIS Division accepts any responsibility for errors or omissions. This document may not be reproduced, edited, or otherwise altered in any way without advanced permission of the Cascade County GIS Division or Cascade County Commission.

Legend

Parcel No. 1936000





I, Paul Gibson, Vice President of the Great Falls Water Power and Townsite Company, caused to be surveyed, subdivided and platted into Lots, Blocks, Streets, Avenues and Alleys, as shown by the plat and certificate herunto annexed, the following described tract of land, to-wit:

Beginning at the Northwest corner of Sec. 6, T.20 N., R.4 E., and running South on the West line of said Sec. 6, four hundred and twenty-six and five-tenths (426.5) feet to the northerly Right-of-way Line of the Boston & Montana Smelter Branch of the Great Northern Railway, thence Easterly along said Right-of-way Line eleven hundred and seventy-four (1174.0) feet, to the beginning of a 3° 56' Curve to the Right, thence along said Curve five hundred and eighty and one-tenth (580.1) feet, to a Tangent, thence along said Tangent to said curve four hundred and sixty-six (466.0) feet to the beginning of a 2° 56' Curve to the Right, thence along said 2° 56' Curve four hundred and twenty-three and three-tenths (423.3) feet, to a Tangent, thence along said Tangent thirty-three (33.0) feet to the North and South center line of said Sec. 6; thence North along said center line 411.0 feet, to the North quarter section Cor. of said Sec. 6; thence West along the North line of said Sec. 6, 2617.5 feet to the Northwest corner of Sec. 6 and place of beginning, containing 15 3/8 Acres more or less, to be known as the SEVENTH ADDITION to Great Falls Townsite, Cascade County Montana, and the lands included in all Streets, Avenues and Alleys shown on said plat are hereby granted and donated to the use of the public forever.

In witness whereof the Great Falls Water Power and Townsite Company has caused its corporate seal to be hereunto affixed and these presents to be subscribed by its Vice President, this 21st day of June, A.D. 1894.

Paul Gibson
Vice President, Great Falls Water Power and Townsite Co.

State of Montana } SS.
County of Cascade }

Best known that on this 21st day of June A.D. 1894, before me *P.D. Townsend* a Notary Public in and for said State and County, personally appeared *Paul Gibson* and *W.W. Conner* Vice President and Secretary respectively of the Great Falls Water Power and Townsite Company, and personally known to me to be such Vice President and Secretary, and to be the persons who executed the foregoing instrument and by me being first duly sworn did acknowledge that they executed the same freely and voluntarily as the free act and deed of said Company and for the use and purposes therein expressed.

Witness my hand and official seal the day and date above written.

Notarial Seal.

P.D. Townsend
Notary Public in and for
Cascade County, Montana.

State of Montana } SS.
County of Cascade }

I, *Howard Crosby* Clerk and Recorder in and for said County of Cascade do hereby certify that the above plat was filed for record in this office the 2nd day of July, A.D. 1894, and recorded in

Witness my hand and seal this 2nd day of July, A.D. 1894.

Howard Crosby
County Clerk and Recorder.

By *Geo. T. Hotchkiss*

Accepted and approved this Second day of July, A.D. 1894, and ordered filed for record.

Prof. Ellis
Chairman of
Board of County Commissioners.

I, hereby certify that I have surveyed, subdivided and platted into lots, blocks, streets, avenues and alleys as shown by the accompanying plat, the following described tract of land to-wit:-

Commencing at the Northwest corner of Sec. 6, T.20 N., R.4 E., and running South on the West line of said Sec. 6, four hundred and twenty-six and five-tenths (426.5) feet to the northerly Right-of-way Line of the Boston & Montana Smelter Branch of the Great Northern Rail Way, thence Easterly along said Right-of-way Line eleven hundred and seventy-four (1174.0) feet, to the beginning of a 3° 56' Curve to the Right, thence along said Curve five hundred and eighty and one-tenth (580.1) feet, to a Tangent, thence along said Tangent to said curve four hundred and sixty-six (466.0) feet to the beginning of a 2° 56' Curve to the Right, thence along said 2° 56' Curve, four hundred and twenty-three and three-tenths (423.3) feet to a Tangent, thence along said Tangent thirty-three (33.0) feet to the North and South center line of said Sec. 6; thence North along said center line four hundred and eleven (411.0) feet to the North Quarter Section Corner of said Sec. 6; thence West along the North line of said Sec. 6, twenty-six hundred seventeen and five-tenths (2617.5) feet to the Northwest corner of Sec. 6 and place of beginning, Containing 15 3/8 Acres more or less according to the provisions of an Act of the Legislative Assembly of the Territory of Montana, approved March 14th, 1889. Set Stone Monuments 6" x 12" long, 12" deep, at the intersection of all the center lines of all Streets and Avenues surveyed, between the 4th day of June A.D. 1894.

M.C. Carson
Surveyor.

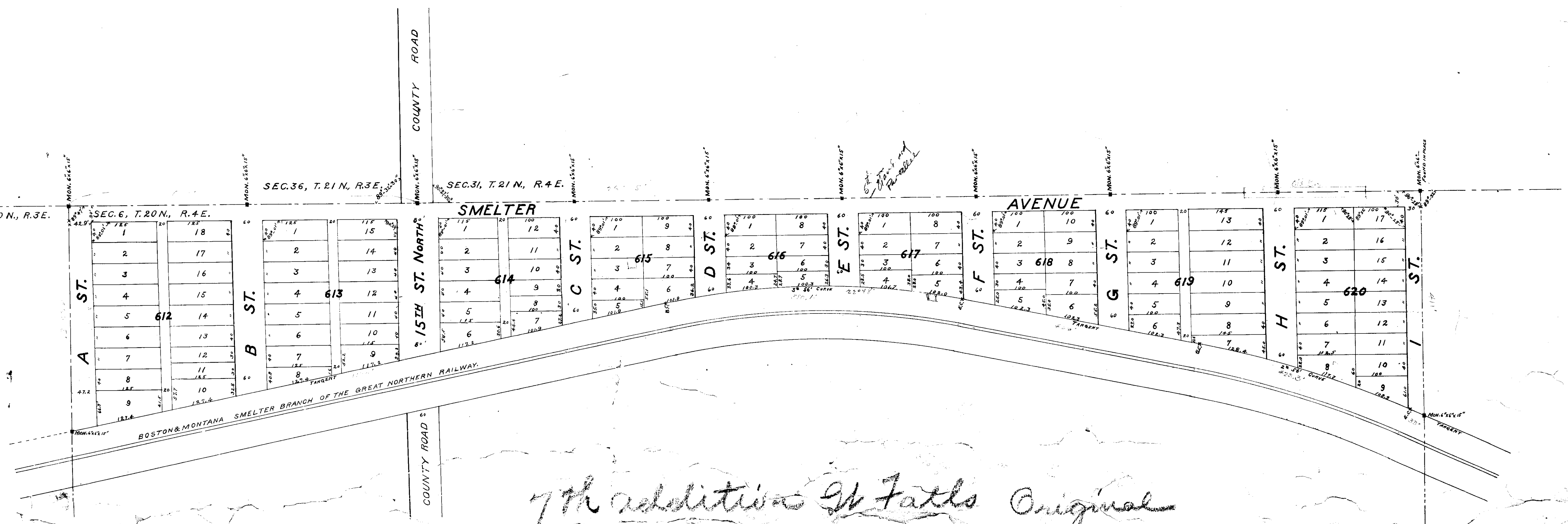
Subscribed and sworn to before me this 18th day of June, A.D. 1894.

P.D. Townsend
Notary Public in and for
Cascade County, Montana.

Seventh Addition to Great Falls Townsite, Cascade County, Montana.

Scale: 1 in. = 100 ft.

12



7th addition Gt Falls Original



CASCADE COUNTY & GIS PLANNING DEPARTMENT

"Working Together to Provide Efficient and Effective Public Service"

1/12/2023

Sent via: Certified Mail

Mark R. & Cortni Janelle Harant
1506 Central Ave.
Great Falls, MT 59401-3836

RE: NOTICE TO RESPOND AND TAKE ACTION

Dear Mr. & Mrs. Harant:

The Planning & GIS Department recently received information that your real property located at 2014 Smelter Ave. NE, Black Eagle, legally described as Parcel # 1936000 with Geocode: 02-3016-06-2-15-09-0000 ("Subject Property") was listed as a 1 bedroom/1 bath rental property on *Facebook* (*see enclosed post*). According to our records, the structures listed on this parcel consist of a single-family dwelling and "detached personal garage" that was constructed under Location/Conformance (L/C) Permit 051-08 on 14 April 2008. The subject property is zoned Mixed Use and has specific land use requirements. No L/C Permit is on file for a change of use for a second single-family dwelling on the subject property. A second single-family dwelling is not allowed in the Mixed Use District.

Please contact the Department within the next ten (10) days to discuss your plans and permitting options for this property with one of our Planners.

We look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink, reading "Gary M. Poore".

Gary Poore, Code Compliance Officer
Cascade County Planning Department
gmpoore@cascadecountymt.gov

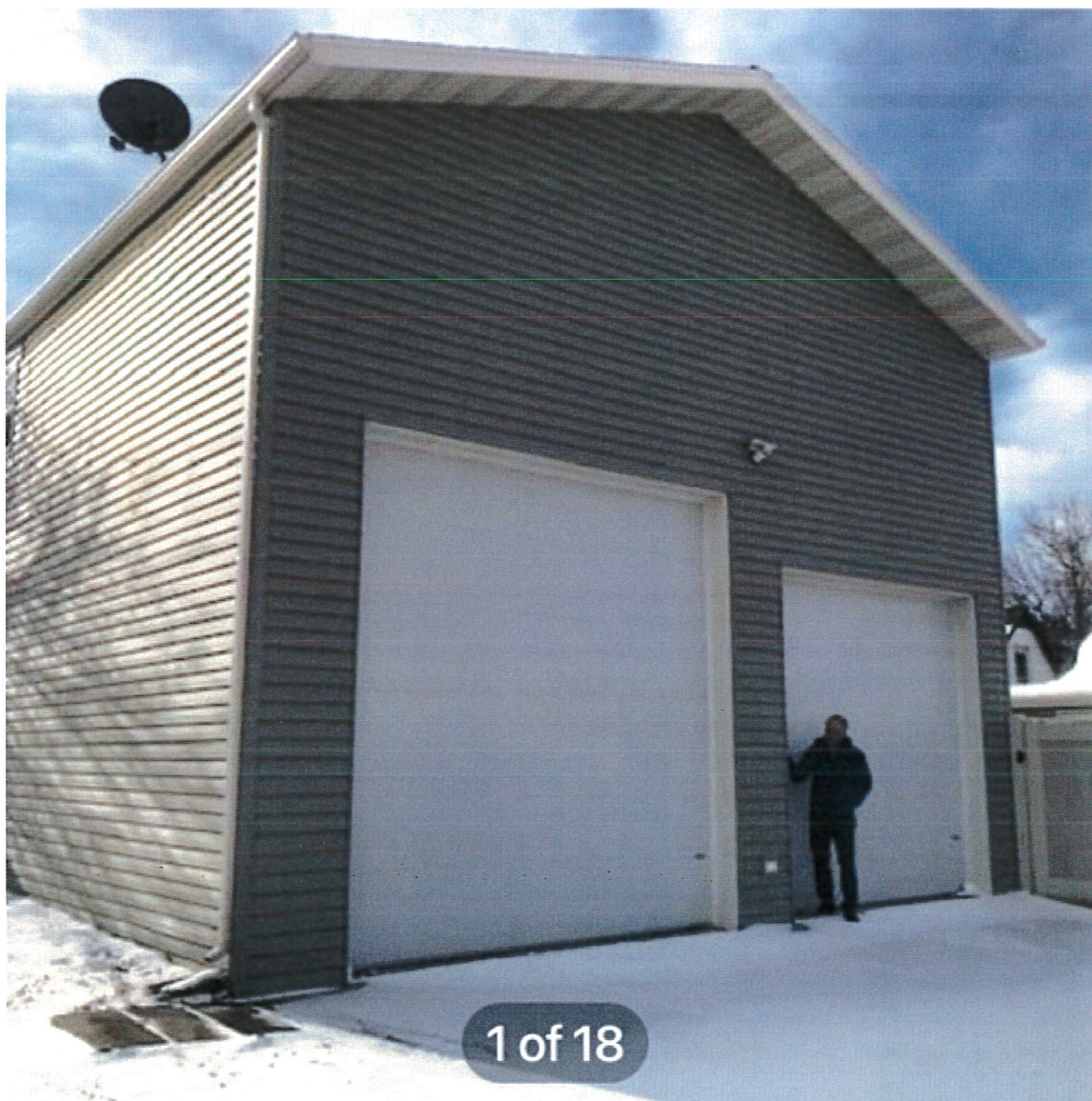
Enclosures: Facebook Post

121 4th St. N, STE 2H/1

Great Falls, MT 59401

Phone: (406)-454-6905 | Fax: 406-454-6919 | Email: planningcomments@cascadecountymt.gov

<https://www.cascadecountymt.gov/245/Planning-GIS>



1 of 18

1 Bed 1 Bath Apartment

\$1,295 / Month

See Other Rentals You May Like

Filter by price, location and more.

See All



Send seller a message

Hello, is this still available?

Send



4 of 18

1 Bed 1 Bath Apartment

\$1,295 / Month

See Other Rentals You May Like

Filter by price, location and more.

See All



13 of 18

1 Bed 1 Bath Apartment

\$1,295 / Month

See Other Rentals You May Like

Filter by price, location and more.

See All



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Cascade County Zoning Regulations

Revised December 28, 2021 by
Resolution #21-79

Cascade County Planning Department

121 4th Street North, Suite 2H/I, Great Falls, MT 59401

Phone: (406) 454-6905 | Fax: (406) 454-6919 | Email: planningcomments@cascadecountymt.gov

Website: <https://www.cascadecountymt.gov/245/Planning>

7.5 MIXED USE (MU) DISTRICT

7.5.1 INTENT

The MU District is intended to provide for higher-density residential development with residential services and limited commercial uses operating at a small scale. This district allows small towns throughout the county to maintain local services and expand residential development.

7.5.2 MINIMUM LOT AREA

A minimum lot area of 6,400 square feet is required.

7.5.3 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.5.4 YARDS REQUIRED

7.5.4.1 Side Yard

The side yard width shall not be less than six (6) feet.

7.5.4.2 Front Yard

The front yard shall not have a depth of less than fifteen (15) feet.

7.5.4.3 Rear Yard

The rear yard depth shall not be less than ten (10) feet.

7.5.4.4 Exclusion

Yard requirement provisions shall not apply to ground level installation of exterior spot lighting allowed as an accessory use.

7.5.5 SIGNS

Signs shall be subject to the regulations contained in Section 8.1. No signage advertising off-premise businesses allowed.

7.5.6 OFF-STREET PARKING

Off-street Parking shall be provided in accordance with Section 8.4.

7.5.7 LANDSCAPING

Landscaping requirements shall be in accordance with Section 8.18.

7.5.8 SITE PLAN

Site Plan review and approval shall be in accordance with Section 8.5. In each case where a commercial building or use is proposed, the Zoning Administrator shall review the Site Plan of the proposal in accordance with Section 8.5 and shall

approve, approve with modifications, or disapprove such site plan. In modifying or disapproving such site plan, the Zoning Administrator shall enter the reasons for such action in the Zoning Administrator's records.

7.5.9 PERMITTED PRINCIPAL USES

- (1) All Permitted Principal Uses allowed in RR-5, SR-1, and SR-2 Districts.
- (2) Any Retail or Wholesale Trade (excluding Large Equipment Trade) including, but not limited to:
 - a. Administrative Services.
 - b. Agricultural Commodity Storage Facility.
 - c. Agricultural Sales (Small Equipment/Machinery).
 - d. Alcohol Distillery.
 - e. Auction Sales.
 - f. Automotive, Mobile Home, Marine, Recreational Vehicle and Accessories Sale and Service.
 - g. Building Materials, Hardware and Farm Equipment Sales and Service.
 - h. Butcher Shop.
 - i. Construction Material Sales.
 - j. Contractor Yard, Small (see Section 8.15.1).
 - k. Convenience Sales.
 - l. Financial Services.
 - m. Funeral Home.
 - n. General Repair.
 - o. General Sales.
 - p. General Services.
 - q. Health Care Center.
 - r. Health Care Facility.
 - s. Hotel and Motel.
 - t. Instructional Facility.
 - u. Micro-Brewery.
 - v. Off-Site Liquor Sales.
 - w. Professional Services.

- x. Recreational Vehicle Park.
 - y. Restaurant.
 - z. Retail.
 - aa. Secondhand Sales.
 - bb. Shopping Center.
 - cc. Small Equipment Rental/Sales/Repair.
 - dd. Specialty Sales.
 - ee. Tavern.
 - ff. Vehicle Fuel Sales.
 - gg. Vehicle Sales and Rental.
 - hh. Vehicle Services.
 - ii. Veterinary Clinic – Small Animal.
 - jj. Wholesale Trade.
- (3) Gravel Pit (Open Cut Mining Operation).
 - (4) Mobile Home Park/Mobile Home Court.
 - (5) On-Site Construction Office.
 - (6) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions:
 - a. Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product;
 - b. Storage of flammable or explosive liquids, solids, or gases shall not be permitted;
 - c. Landscaping requirements shall be in accordance with Section 8.18; and
 - d. All material must be stored inside units. Storage of licensed, operable vehicles including, but not limited to, recreational vehicles, cars, trucks, vans, trailers, boats, motorcycles, and all terrain vehicles, may be outside provided that proper screening, approved by the Zoning Administrator, as to shield these units will occur.
 - (7) Wild Game Processing Facility.

7.5.10 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE

- (1) Amateur Radio Station and/or Antenna, Meteorological Towers, Residential Wind Turbine not to exceed 50 kW may be used in the MU District subject to the requirements of Section 8.8 of these regulations.
- (2) Any Customary Use Incidental to the Permitted Use, but not including any Permanent Outdoor Storage.
- (3) Concession Stand, where a legally permitted principal land use of any of the following exists: Outdoor Sports and Recreation/Outdoor Entertainment, Indoor Sports and Recreation/Indoor Entertainment, Event Center.
- (4) Exterior Spot Lighting directed onto the premises providing illumination of buildings or grounds, provided such sources be shaded from motorists on public roadways and be located so that the beams are not directed toward any lot in a residential district, public highway, or the sky.
- (5) Home Occupations.
- (6) Professional Office in a Residence.
- (7) Signs as covered in Section 8.1, pertaining to the permitted use and on the same lot therewith. No signage advertising off-premise businesses allowed.

7.5.11 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

- (1) Administrative Government Center.
- (2) Animal Shelter.
- (3) Artisan Shop.
- (4) Bus Transit Terminal.
- (5) Casino, provided it is not within 600 feet (measured in a straight line, without regard to intervening structures or streets, from the outer wall of the casino, to the outer wall of the preceding use) of an education facility (K-12), day care facility, or worship facility.
- (6) Commercial Kennel.
- (7) Composting Facility.
- (8) Contractor Yard, Large (see Section 8.15.2).
- (9) Event Center.
- (10) Federal Firearm Retailers, Dealers, Repairers.

- (11) Garage, Public.
- (12) Garage, Private.
- (13) Indoor Entertainment.
- (14) Indoor Sports and Recreation.
- (15) Large Equipment Rental/Sales/Repair.
- (16) Manufactured Housing Sales.
- (17) Manufacturing & Assembly.
- (18) Membership Club.
- (19) Multi-family Dwelling.
- (20) Outdoor Entertainment.
- (21) Outdoor Sports and Recreation.
- (22) Parking Garage.
- (23) Parking Lot.
- (24) Parking Structure.
- (25) Recycling Center.
- (26) Solid Waste Transfer Station.
- (27) Taxi Cab Dispatch Terminal.
- (28) Telecommunications Facility.
- (29) Tourist Home.
- (30) Utility Installation, Minor.
- (31) Vehicle Repair.
- (32) Veterinary Clinic, Large Animal.
- (33) Warehouse.

SECTION 10. STANDARDS FOR SPECIAL USE PERMITS

10.1 GENERAL PROVISIONS

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

A Special Use Permit may be issued only upon meeting all requirements in these regulations for a specific use which is explicitly mentioned as one of the "Uses Permitted Upon Issuance of a Special Use Permit" within the respective zoning districts contained in Section 7 or Section 8.1.5 hereof. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Special Use Permit. A separate Special Use Permit shall be required per each tract of land. The Special Use Permit fee shall be that listed in the Cascade County Planning Department's Fee Schedule.

10.2 REQUIRED PLAN

An Applicant must notify the Planning Department and request a pre-application meeting. The pre-application meeting will be scheduled within thirty (30) days of the request. At this meeting, staff will indicate the necessary information, process, and timeline for the special use permit process, including a signed Use Statement Form.

The application for a Special Use Permit must include the following and any additional materials requested by Planning Staff during a pre-application meeting or relevant to the Special Use Permit:

- (1) A Special Use Permit Application signed by the land owner and by the Applicant if different from the land owner.
- (2) A vicinity map of the parcels and surrounding area clearly identifying the location of the property.
- (3) A legal description of the property.
- (4) A lot layout plan may be required indicating some or all of the following:
 - a. Identify any covenants, liens, easements, or any other encumbrances upon the parcel. If a description will not suffice, provide copies or exhibits when necessary.
 - b. The land area of the parcel (found on deed, subdivision plat or certificate of survey at the County Clerk and Recorder's Office or Planning Department).
 - c. Describe the existing land use of the parcel and neighboring areas.
 - d. Describe the anticipated impact upon neighboring property.
 - e. On a Site Plan, indicate the dimensions of the property under

consideration, the size and placement of existing structures, parking areas and landscaping areas.

- f. On a Site Plan, indicate the location of existing curb cuts or access points, traffic access and circulation, drives, signs, exterior lighting, required yards and open spaces, landscaping, and screening.
- g. On a Site Plan, indicate the location of any existing utilities such as water, sewer, gas, electricity, storm sewer, rivers, creeks, streams, irrigation ditches, easements, historical land marks, or any other items that may affect the application and/or other pertinent information as required in Section 10.5 that may be necessary to determine if the special use meets the requirements of these regulations.

10.3 PUBLIC NOTIFICATION

A public hearing shall be required for all special use permit applications heard by the ZBOA. Notice shall be provided for as set by MCA § 7-1-2121. The notice shall be published in a newspaper of general circulation in Cascade County, twice with at least six (6) days separating each publication.

The owner of the property for which a special use is sought, or their agent and all adjacent land owners shall be notified of the hearing by certified mail. At the public hearing, the ZBOA will hear testimony from proponents and opponents of the special use permit application. After the public hearing is closed, the ZBOA may approve, deny, approve with conditions, or table for further consideration until the next ZBOA meeting, the special use permit.

10.4 EXPIRATION

A Special Use Permit Application, once deemed sufficient and prior to the hearing by the ZBOA, shall be scheduled for the next Board meeting unless a hold request is submitted. Only the Applicant may submit a hold request to the Planning Department and a hold request must include a set timeline for lifting the hold. No request to place an application on hold shall exceed six (6) months. An application shall expire after being on hold for six (6) months, or a material change to the application has been submitted. Upon expiration, a new Special Use Permit must be applied for.

The ZBOA approval of the Special Use Permit shall be valid for only one particular use and shall expire one year after the date of the approval if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension on the ZBOA approval.

The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the ZBOA prior to the date of expiration.

10.5 EXISTING VIOLATIONS

No permit shall be issued for a special use where there is an existing violation of these regulations or any other existing violations of Cascade County, State, or Federal Regulations or laws, or for delinquent county taxes.

10.6 STANDARDS APPLICABLE TO ALL SPECIAL USES

Before the ZBOA can approve any Special Use Permit, it must first reach each of the following conclusions:

- (1) Conditions may be required that the ZBOA determines if implemented, will mitigate potential conflicts in order to reach these conclusions.
- (2) The proposed development will not materially endanger the public health or safety. Considerations are the following:
 - a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersections and approaches.
 - b. Provision of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.
 - c. Soil erosion, sedimentation, and storm water runoff.
 - d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.
- (3) The proposed development will not substantially injure the value of adjoining property or is a public necessity.-Considerations are the following:
 - a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.
 - b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as a whole as to justify it regardless of its impact on the value of adjoining property.
- (4) The proposed development will be in harmony with the area in which it is located. Considerations are the following:
 - a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.
- (5) The proposed development will be consistent with the Cascade County Growth Policy. Considerations are the following:
 - a. Consistency with the Growth Policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its locational standards.
 - b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

10.7 OPERATIONS

Operations in connection with Special Use Permits shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

10.8 STAFF REVIEW

After an application is reviewed by the Planning Staff and deemed to be complete, staff will proceed with notification of adjoining property owners, posting of the notification of public hearings, and determine the date, time, and place for the public hearing to occur before the ZBOA.

10.9 ZONING BOARD OF ADJUSTMENT REVIEW

In reviewing Special Use Permit Applications, the ZBOA will hold a public hearing to allow the staff, petitioner, and other interested parties to present competent, substantial, and material factual evidence relating to the required conclusions. The Board will then discuss the petition and make findings of fact supported by the presented evidence. Based on those findings, the Board will decide whether or not it can reach each of the required conclusions. The Board may approve a petition only if it reaches all of the required conclusions. The Board may approve a petition subject to conditions reasonably necessary to carry out the purposes of this ordinance.

Note: The petitioner bears the burden of presenting sufficient factual evidence to support findings of fact that allow the Board to reasonably reach each of the required conclusions.

After hearing presented evidence and the Board's discussion, the petitioner may ask the Board's permission to revise the petition to address raised concerns. If the Board grants the request, the Board may either adjust conditions to the Special Use Permit or table the review process until the next ZBOA meeting to allow all interested parties the ability to submit additional comments to the revised petition.

If the petition is approved, the Planning Staff will prepare and issue the petitioner a Conditional Letter of Approval indicating the conditions upon which the Special Use Permit will be issued. Once the petitioner satisfies the conditions set forth by the ZBOA, the Planning Staff will issue the Special Use Permit.

10.10 APPEALING ZONING BOARD OF ADJUSTMENT DECISION

Appeals of the ZBOA decision shall follow the process as outlined in Section 12 of these regulations.

10.11 REVOCABILITY

A violation of a Special Use Permit will be treated as any other violation under Section 13 of these regulations.

SECTION 16. HEIGHT MILITARY OVERLAY DISTRICT (MOD)

The only purpose and intent of this section is to promote cooperation between Cascade County, property owners, and Malmstrom Air Force Base (Malmstrom) in order to reduce potential conflicts and protect the current and future military missions and Missile Alert Facilities (MAFs) and Launch Facilities (LFs) of Malmstrom Air Force Base by restricting height of structures near these facilities as outlined in the Malmstrom Joint Land Use Study. The Height Military Overlay District Map (Figure 4.1-2 Height Military Overlay District from the JLUS) and the Proposed Height MODs Figure (Figure 4.1-3 Proposed Height MODs from the JLUS) are hereby incorporated into and made a part of these regulations.

16.1 MALMSTROM RUNWAY AREA

The following height limits are based on the elevation of the helicopter runway at Malmstrom (3,526 feet) which is based on the North American Vertical Datum of 1988 (NAVD 88):

16.1.1 CLEAR ZONE SURFACE – MOD-A:

No structures greater than fifty (50) feet in height.

16.1.2 TRANSITIONAL SURFACE – MOD-B:

No structures greater than fifty (50) feet in height.

16.1.3 INNER HORIZONTAL SURFACE – MOD-C:

No structures greater than one hundred and fifty (150) feet in height.

16.1.4 CONICAL SURFACE – MOD-D:

No structures greater than one hundred and fifty (150) feet in height.

16.1.5 APPROACH/DEPARTURE CLEARANCE SURFACE – MOD-E:

No structures greater than fifty (50) feet in height.

16.1.6 OUTER HORIZONTAL SURFACE – MOD-F:

No structures greater than five hundred (500) feet in height.

Any proposed structures exceeding the above heights will require the approval of a variance by the Zoning Board of Adjustment. A copy of the application will be sent to Malmstrom for review and comments. Any comments or recommended mitigations will be forwarded to the ZBOA to consider with their decision. If no comments are received within 15 working days, it will be determined Malmstrom had no objections. A height variance may only be denied due to a concern expressed by the US Military that cannot be mitigated to the Military's satisfaction.

16.2 MISSILE ALERT FACILITIES (MAFs) & LAUNCH FACILITIES (LFs)

No structures shall be allowed within the 1,200-foot buffer around each MAF and LF.

Any proposed structures over fifty (50) feet in height between 1,200 feet and 2,400 feet of a MAF or LF will require the approval of a variance by the Zoning Board of Adjustment. A copy of the application will be sent to Malmstrom for review and comments. Any comments or recommended mitigations will be forwarded to the ZBOA to consider with their decision. If no comments are received within fifteen (15) working days, it will be determined Malmstrom had no objections. A height variance may only be denied due to a concern expressed by the US Military that cannot be mitigated to the Military's satisfaction.

16.3 EXCEPTIONS

A subdivision, rezoning and/or location/conformance permit application to accommodate a use inconsistent with the provisions of this section of these regulations shall not be approved unless the Applicant places a covenant on the involved property wherein the property owner shall hold the City, County, and Malmstrom Air Force Base harmless for any damages caused by normal and anticipated normal airport operations.

HEIGHT MILITARY OVERLAY DISTRICT MAP

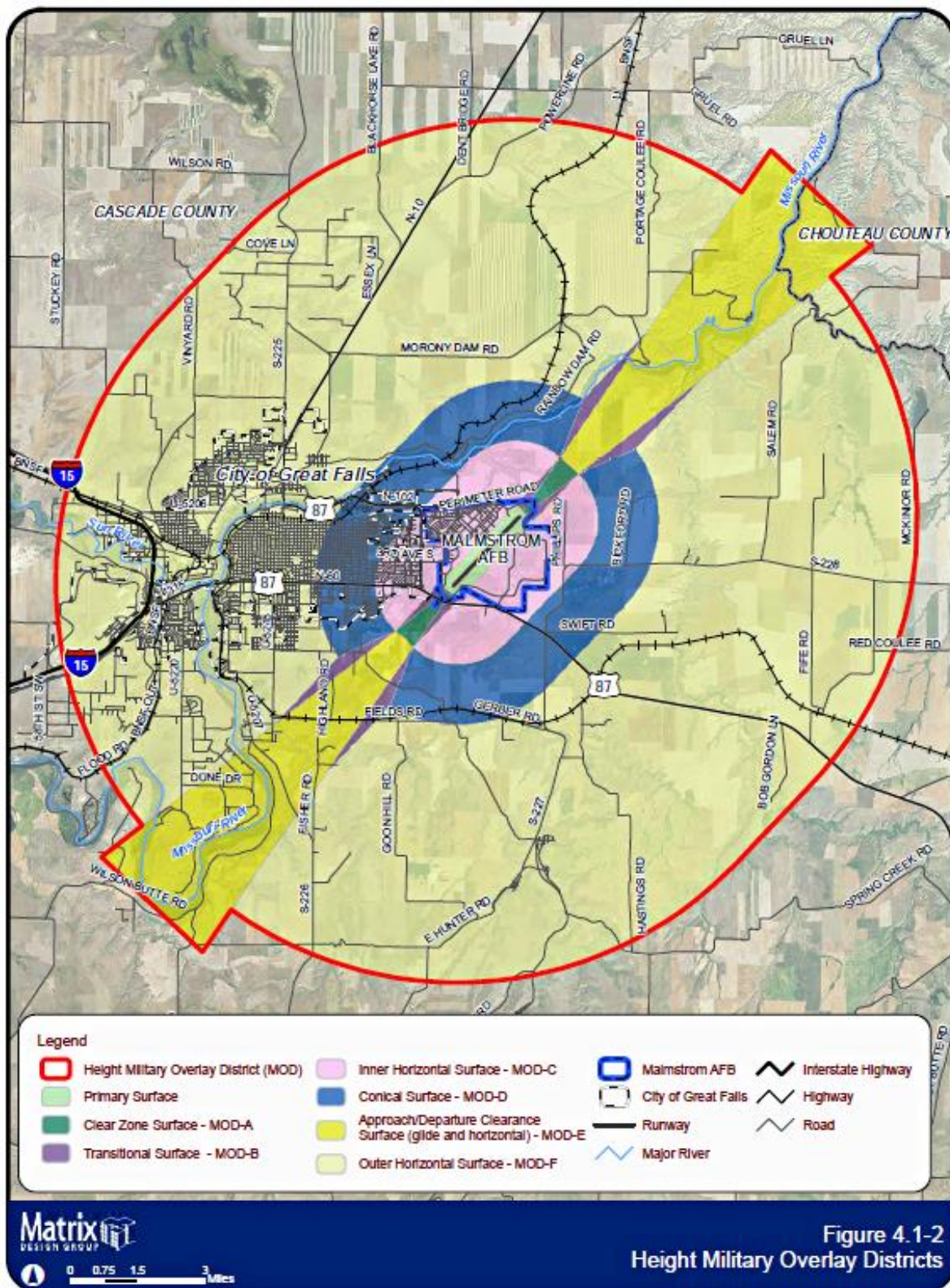


Figure 4.1-2
Height Military Overlay Districts

PROPOSED HEIGHT MODS FIGURE

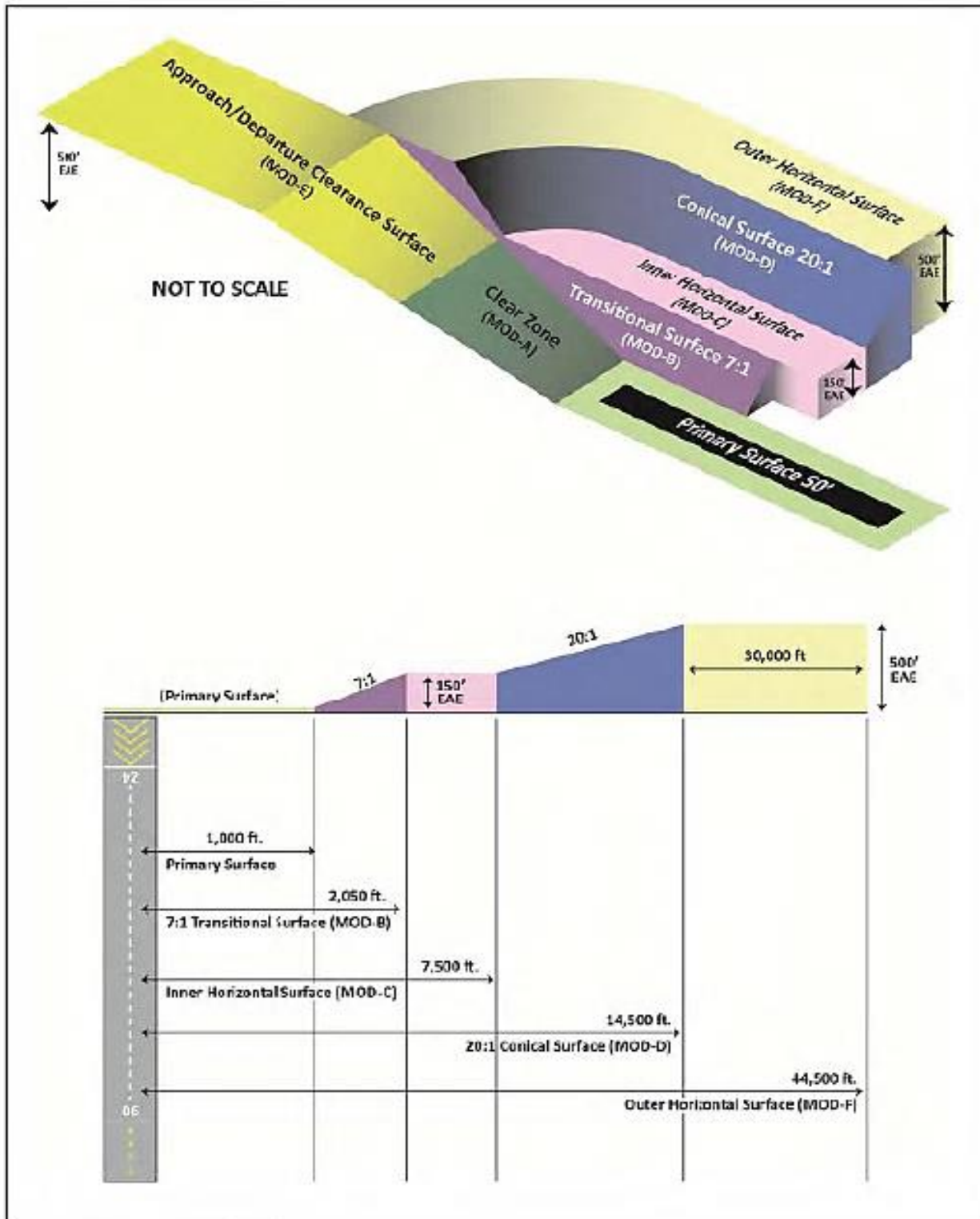


Figure 4.1-3. Proposed Height MODs

From: [Rod Hall](#)
To: [Angland, Kevin M.](#)
Subject: RE: Special Use Permit Notice
Date: Monday, February 27, 2023 9:25:43 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kevin,

The Great falls Airport has no comments or concerns with the development on parcel 02-3016-06-2-15-09-0000

Rod Hall
Assistant Airport Director / Operations
Great Falls International Airport Authority
Great Falls, MT
rod@flygtf.com
Phone: 406-727-3404
Cell: 406-788-0967

From: Angland, Kevin M. <kangland@cascadecountymt.gov>
Sent: Monday, February 27, 2023 9:09 AM
To: Thomas Micuda <tmicuda@greatfallsmt.net>; craymond@greatfallsmt.net; tom_moore@gfps.k12.mt.us; Aaron Vaughn - City GIS <avaughn@greatfallsmt.net>; Tessa Switzer <tswitzer@greatfallsmt.net>; Barnett, Harry <hbarnett@mt.gov>; Juarez Thomas, Margarite <MJuarezThomas@mt.gov>; pskubinna@greatfallsmt.net; Kevin May <kmay@bigskyce.com>; info@gfar.realtor; DEPNER, KURT E GS-12 AFGSC 341 CES/CENP <kurt.depner@us.af.mil>; Rod Hall <rod@flygtf.com>; secretary@cascadecd.com; cgaub@greatfallsmt.net
Subject: Special Use Permit Notice

Good morning,

Attached is a public notice for a Special Use Permit in Cascade County. Please review and get back to me with any comments or questions you may have!

Thanks!

Kevin Angland

Planner, CFM

Cascade County Planning & GIS Department

Phone: (406) 454-6905 | Fax: 406-454-6919

Web: www.cascadecountymt.gov | Email: kangland@cascadecountymt.gov

121 4th Street North, Suite 2H/I, Great Falls, MT 59401

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From: [Christoff T. Gaub](#)
To: [Angland, Kevin M.](#)
Subject: RE: Special Use Permit Notice
Date: Monday, February 27, 2023 11:47:00 AM
Attachments: [image001.png](#)

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No concerns. You can remove Paul Skubinna...

Thanks,
Chris

Christoff T. Gaub

Director
City of Great Falls – Public Works
1005 25th Ave NE
Great Falls, MT 59404
(406) 727-8390
cgaub@greatfallsmt.net



From: Angland, Kevin M. <kangland@cascadecountymt.gov>
Sent: Monday, February 27, 2023 9:09 AM
To: Thomas Micuda <tmicuda@greatfallsmt.net>; Craig Raymond <craymond@greatfallsmt.net>; tom_moore@gfps.k12.mt.us; Aaron Vaughn <avaughn@greatfallsmt.net>; Tessa Switzer <tswitzer@greatfallsmt.net>; Barnett, Harry <hbarnett@mt.gov>; Juarez Thomas, Margarite <MJuarezThomas@mt.gov>; pskubinna@greatfallsmt.net; Kevin May <kmay@bigskyce.com>; info@gfar.realtor; DEPNER, KURT E GS-12 AFGSC 341 CES/CENP <kurt.depner@us.af.mil>; rod@flygtf.com; secretary@cascadecd.com; Christoff T. Gaub <cgaub@greatfallsmt.net>
Subject: Special Use Permit Notice

Good morning,

Attached is a public notice for a Special Use Permit in Cascade County. Please review and get back to me with any comments or questions you may have!

Thanks!

Kevin Angland*Planner, CFM*

Cascade County Planning & GIS Department

Phone: (406) 454-6905 | Fax: 406-454-6919

Web: www.cascadecountymt.gov | Email: kangland@cascadecountymt.gov121 4th Street North, Suite 2H/I, Great Falls, MT 59401

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From: [Brusky, Laura](#)
To: [Angland, Kevin M.](#)
Cc: [Brusky, Laura](#)
Subject: RE: Special Use Permit Notice
Date: Thursday, March 2, 2023 12:27:44 PM
Attachments: [image001.png](#)

Kevin,

FYI....

If approved, They will be required to get a Tourist Home License (public accommodations).

We (Health Dept.) will not approved the LC (when they apply for) until we License (as a Tourist home) them with the state.

Sincerely,



Laura Brusky
Sanitarian
115 4th St. South, Great Falls, MT 59401
Office: 406-761-9884
www.cchdmt.org
"Healthy People in a Safe and Healthy Community"

From: Angland, Kevin M. <kangland@cascadecountymt.gov>
Sent: Monday, February 27, 2023 8:50 AM
To: Planning Interdepartment List <CCInterdepartmentList@ccmtgov.onmicrosoft.com>
Subject: Special Use Permit Notice

Good morning,

Attached is a public notice for a Special Use Permit in Cascade County. Please review and get back to me with any comments or questions you may have!

Thanks!

Kevin Angland

Planner, CFM

Cascade County Planning & GIS Department

Phone: (406) 454-6905 | Fax: 406-454-6919

Web: www.cascadecountymt.gov | Email: kangland@cascadecountymt.gov

121 4th Street North, Suite 2H/I, Great Falls, MT 59401

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From: [Jennifer](#)
To: [Angland, Kevin M.](#)
Subject: Special Permit Application #005-2023
Date: Friday, March 3, 2023 8:54:19 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kevin,

I'm unable to attend the public hearing on March 16th, 2023, so please accept this letter to inform that I'm AGAINST this proposal. My property is across the street, Parcel No. 1935900. I believe this to be something that will hinder the safety of myself and others in the neighborhood. I don't feel comfortable having excessive turnover of people coming and going with the potential partying, noise, litter, and parking problems. This property currently is a rental and also has an apartment in the garage that is a rental as well, thus bringing DOUBLE the traffic and problems if turned into a Tourist home. Lastly, we are a residential neighborhood, not a motel and it's unfair for me and my neighbors to have this rotating door of people passing every day, week or month.

Sincerely,
Jennifer L Zindell-Mesler
(406) 868-0844
128 20th street Black Eagle Mt 59414

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From: [Barnett, Harry](#)
To: [Angland, Kevin M.](#)
Subject: RE: Special Use Permit Notice
Date: Monday, February 27, 2023 11:39:56 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kevin,

This is off of our route so MDT does not have any comment.

Thanks and have a great week!

Harry

From: Angland, Kevin M. <kangland@cascadecountymt.gov>
Sent: Monday, February 27, 2023 9:09 AM
To: Thomas Micuda <tmicuda@greatfallsmt.net>; craymond@greatfallsmt.net; tom_moore@gfps.k12.mt.us; Aaron Vaughn <avaughn@greatfallsmt.net>; tswitzer@greatfallsmt.net; Barnett, Harry <hbarnett@mt.gov>; Juarez Thomas, Margarite <MJuarezThomas@mt.gov>; pskubinna@greatfallsmt.net; Kevin May <kmay@bigskyce.com>; info@gfar.realtor; DEPNER, KURT E GS-12 AFGSC 341 CES/CENP <kurt.depner@us.af.mil>; rod@flygtf.com; DNRC Cascade CD2 <secretary@cascadecd.com>; cgaub@greatfallsmt.net
Subject: [EXTERNAL] Special Use Permit Notice

Good morning,

Attached is a public notice for a Special Use Permit in Cascade County. Please review and get back to me with any comments or questions you may have!

Thanks!

Kevin Angland

Planner, CFM

Cascade County Planning & GIS Department

Phone: (406) 454-6905 | Fax: 406-454-6919

Web: www.cascadecountymt.gov [cascadecountymt.gov] | Email: kangland@cascadecountymt.gov

121 4th Street North, Suite 2H/I, Great Falls, MT 59401

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From: [Kevin May](#)
To: [Angland, Kevin M.](#)
Subject: Re: Special Use Permit Notice
Date: Monday, February 27, 2023 10:54:44 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kevin,

Will there be any new improvements associated with the SUP (i.e. - new parking, home, driveway, etc.)? Assuming the SUP just allows for the use as a Tourist Home and no changes are taking place onsite the project is good on my end. If new buildings or surfacing are being proposed we will likely need to coordinate with the Health Department to determine if COSA changes will be necessary. Please let me know. Thank you.

--

*Kevin May, P.E.
Big Sky Civil & Environmental, Inc.
P.O. Box 3625
Great Falls, MT 59403
(406) 727-2185 ph
(406) 727-3656 fax
(406) 390-4514 cell
<http://www.bigskyce.com/>*

On Mon, Feb 27, 2023 at 9:08 AM Angland, Kevin M. <kangland@cascadecountymt.gov> wrote:

Good morning,

Attached is a public notice for a Special Use Permit in Cascade County. Please review and get back to me with any comments or questions you may have!

Thanks!

Kevin Angland

Planner, CFM

Cascade County Planning & GIS Department

Phone: (406) 454-6905 | Fax: 406-454-6919

Web: www.cascadecountymt.gov | Email: kangland@cascadecountymt.gov

121 4th Street North, Suite 2H/I, Great Falls, MT 59401

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From: [Schutz, Rick](#)
To: [Angland, Kevin M.](#)
Subject: RE: Special Use Permit Notice
Date: Monday, February 27, 2023 2:52:23 PM

We are good.

Rick

From: Angland, Kevin M. <kangland@cascadecountymt.gov>
Sent: Monday, February 27, 2023 8:50 AM
To: Planning Interdepartment List <CCInterdepartmentList@ccmtgov.onmicrosoft.com>
Subject: Special Use Permit Notice

Good morning,

Attached is a public notice for a Special Use Permit in Cascade County. Please review and get back to me with any comments or questions you may have!

Thanks!

Kevin Angland

Planner, CFM

Cascade County Planning & GIS Department

Phone: (406) 454-6905 | Fax: 406-454-6919

Web: www.cascadecountymt.gov | Email: kangland@cascadecountymt.gov

121 4th Street North, Suite 2H/I, Great Falls, MT 59401

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above. If you are not the intended recipient of this transmission, please notify the sender immediately, do not forward the message to anyone, and delete all copies.

From: [TIFFANY B](#)
To: [Angland, Kevin M.](#)
Subject: Airbnb at Parcel # 1936000
Date: Wednesday, March 8, 2023 8:15:51 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kevin,

I am unable to attend the public hearing on March 16th, 2023, so please accept this letter to inform that I am **AGAINST** this proposal. I live at 124 24th St in Black Eagle, which is across the street and a few houses down. We have enough traffic on this street; it is the last street up from the park, and I believe this proposal will increase traffic, as well as the safety of my neighborhood. If you pull up the call logs for Cascade County non-emergency for my street, you will find an alarming number of calls to the police for the low income rentals we have on our block, which are mostly drug/alcohol and fight related calls. The excessive turnover of people coming in and out of an Airbnb comes along with the potential of noise, litter, and the possibility of theft. We already have a parking problem on our street, and the turnover of people coming in and out of an Airbnb will only add to that. Myself and my family are **AGAINST** this potential Airbnb coming into our neighborhood.

Sincerely,

Tiffany Byron

124 20th St, Black Eagle MT 59414
(406-788-8523)

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**STAFF REPORT
ZONING BOARD OF ADJUSTMENT**

Thursday, March 16th, 2023

9:00 a.m.

**Room 105 Courthouse Annex, Cascade County Commissioners Chambers
& Via Zoom (an online platform, see www.cascadecountymt.gov for more information)**

SUP #006-2023

SUBJECT PROPERTY INFORMATION	
Name of Applicant & Owner:	Karl Birky 1200 Central Ave W Great Falls, MT, 59404
Legal Description(s):	Lot 7, Block 2, Peace Park Subdivision, Section 34, Township 20 North, Range 03 East, P.M.M., Cascade County, MT
Geo-Code(s):	02-3015-34-2-01-27-0000
Parcel Number(s):	2022012
Existing Zoning:	Suburban Residential 2 (SR-2)
Acreage:	2.020 acres
Surrounding Land Uses/Zoning:	North: Residential/SR-2 South: Vacant/SR-2 East: Residential/SR-2 West: Residential/SR-2
Current Land Use:	Vacant
Applicable Regulations:	Cascade County Zoning Regulations (CCZR) §§ 7.3.4(1) ¹ , 7.2.4(4), & 10
Requested Action:	Approval of a Special Use Permit (SUP) to allow a second dwelling/duplex

General Information:

The Cascade County Zoning Board of Adjustment (ZBOA) is in receipt of a Special Use Permit (SUP) Application from Karl Birky to allow an “Second Dwelling” on the Subject Property. The Applicant is requesting that a SUP be granted as required by Sections 7.3.4(1) and 10 of the CCZR.

The Applicant submitted their complete SUP Application on February 22, 2023. Public Notice was published in the Great Falls Tribune on March 5 and March 12 of 2023.

¹ CCZR § 7.3.4 “Uses Permitted Upon Issuance of a Special Use Permit: (1) Use permitted upon issuance of a special permit as set forth under RR-5 District regulations may be used in the SR-1 and SR-2 Districts. Pursuant to CCZR § 7.2.4(4), under the RR-5 District, allows a second dwelling upon the issuance of a SUP.

Notice was sent to interested agencies and adjacent property owners on February 24, 2023.

The property taxes are current and there are no known violations of Cascade County ordinances or regulations on the Subject Property.

Findings with Respect to the SUP Analysis Criteria:

The Planning & GIS Department provides that the following analysis, findings, and conclusion for each of the required criteria provided under the controlling sections of the CCZR are in the Findings of Fact and Conclusions for SUP #006-2023, and hereby incorporated by reference into this Staff Report and attached.

Section 10.7 Operations:

Operations in connection with the SUP shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

Staff: Based on the information provided by the Applicant the proposed use will not be more objectionable by reason of noise, fumes, vibration, or flashing lights, than would be the operation of any permitted use.

Recommendation:

Based on the information provided, the Planning and GIS Department recommends conditional approval of this SUP.

Motions:

The following motions are provided for the Board's consideration:

- A. Move that Special Use Permit #006-2023 to allow a Second Dwelling on Parcel #2022012 be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or
- B. Move the Board to adopt the Staff Report in its entirety and **approve** Special Use Permit #006-2023 to allow a Second Dwelling on Parcel #2022012 subject to the following conditions:
 - 1. The Applicant obtains any other required county, state, or federal permits and approvals, and complies with the respective laws, rule, regulations, and ordinances.
 - 2. No structure may exceed a height of 500 feet.
 - 3. Applicant obtains addresses for both units from the Planning & GIS Department for E911 purposes.
 - 4. Applicant obtains an approved Subsurface Wastewater Treatment System

Permit from the City-County Health Department prior to installation of any wastewater treatment system.

Attachments:

- Findings of Fact & Conclusions for SUP # 006-2023
- Special Use Permit Application
- Vicinity & Zoning Map
- Applicable Zoning Regulations
- Comment(s)

cc: Applicant(s)
County Attorney's Office

Findings of Fact & Conclusions for Special Use Permit # 006-2023

The Department provides that the following analysis, findings and conclusion for each of the required criteria provided under the controlling sections of the Zoning Regulations. Conditions may be required that the ZBOA determines if implemented, will mitigate potential conflicts in order to reach these conclusions.

Standards Applicable to Special Uses (CCZR § 10.6)
A. The proposed development will not materially endanger the public health or safety
(1) Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersections and approaches.
Applicant Response: Proposed development will not endanger the public health or safety. Additional traffic will be very minimal, an additional one or two vehicles a day travelling on adjacent road.
Staff Analysis: Access to the lot is from County maintained Flood Road and private Florida Road. The duplex was considered during the subdivision process and incorporated into the Traffic Impact Analysis. The Department does not anticipate additional traffic as a result of the addition of the duplex proposed that have not already been considered with the Peace Park Subdivision approval.
(2) Provisions of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.
Applicant Response: Proposed development will not affect services and all utilities are either on the property or will be installed (well and septic).
Staff Analysis: Utility easements were included on final plat filed in 2021 to allow for new utility installation. Septic layout was approved during the subdivision process as well and a MDEQ COSA rewrite (EQ#23-1581) has been obtained to incorporate the duplex on the property. Minimal effect is anticipated on the utilities at, or around, the proposed parcels.
(3) Soil erosion, sedimentation, and storm water runoff.
Applicant Response: Proposed development will not affect the public health. We will not be changing grades to effect runoff or move enough dirt to effect erosion.
Staff Analysis: New homes will increase the amount of impervious surface on the lot. This was taken into consideration during the subdivision process and a stormwater management plan was approved. Any adverse effects of increased impervious surface will be mitigated by the stormwater management plan.
(4) Protection of public community, or private water supplies, including possible adverse effects on surface waters or groundwater.
Applicant Response: Proposed development will have its own independent water supply approved by the DEQ and therefore will have no impact on surrounding private or public water supplies.
Staff Analysis: The Department is recommending a condition of approval that will require the Applicant to obtain appropriate permits through the City-County Health Department to ensure property wastewater treatment. Condition #4 is proposed to mitigate this concern.

Findings of Fact & Conclusions for Special Use Permit # 006-2023

B. The proposed development will not substantially injure the value of adjoining property or is a public necessity.
(1) The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.
Applicant Response: Each townhome unit is a single family dwelling unit in character with all surrounding homes.
Staff Analysis: The Department does not anticipate that the duplex will negatively impact the surrounding properties due to the surrounding residential uses in the vicinity as well as the previously approved Peace Park Subdivision.
(2) Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as a whole as to justify it regardless of its impact on the value of adjoining property.
Applicant Response: Proposed development poses no risk to the public health and safety and general welfare.
Staff Analysis: The proposed duplex is not so necessary to the public health, safety, and general welfare of the community or County as a whole to justify it regardless of its impact to the value of adjoining property.
C. The proposed development will be in harmony with the area in which it is located.
(1) The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.
Applicant Response: Each townhome will be in the \$450,000 to \$550,000 value range- The design and color scheme will be professionally designed to fit in within the surrounding developments. Proposed development should have a positive impact on surrounding properties.
Staff Analysis: With the inclusion of the conditions of approval recommended, the duplex will be in harmony with existing residences. A similar duplex has been approved on Lot 8 in 2021.
D. The proposed development will be consistent with the Cascade County Growth Policy.
(1) Consistency with the Growth Policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its locational standards.
Applicant Response: Proposed development is consistent with current growth policy.
Staff Analysis: Proposed development is consistent with the Cascade County Growth Policy.
Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.
A. Stimulate the retention of existing businesses and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing, and forest products.
Applicant Response: There is a need for new construction townhomes in the city and county. This type of development retains and even can grow the population. Which in turn is good for all surrounding businesses.
Staff Analysis: The placement of the duplex will help sustain and strengthen the real estate economy and meet housing demands that will help encourage home ownership within Cascade County.

Findings of Fact & Conclusions for Special Use Permit # 006-2023

B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.

Applicant Response: There is a need for new construction townhomes in the city and county. This type of development helps retain or even grow the population which in turn is good for all tax payers.

Staff Analysis: The proposed duplex will increase the county's tax base.

C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.

Applicant Response: Proposed development is not a business development.

Staff Analysis: The proposed duplex is residential; therefore, it will not negatively impact business.

D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.

Applicant Response: Proposed development will have no impact on cultural resources. This construction and resulting tax base will help with the counties economic base.

Staff Analysis: The placement of the duplex will not negatively impact tourism or cultural resources.

E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.

Applicant Response: Proposed development will help create more jobs for local contractors and sub contractors.

Staff Analysis: The placement of the duplex will not negatively impact well-planned entrepreneurship among the county's citizenry.

F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.

Applicant Response: There is a need for new construction townhomes in the city and county. This type of development helps retain and even grow the population which in turn is good for all surrounding businesses.

Staff Analysis: The proposed duplex is residential and will not negatively impact business support mechanisms.

Findings of Fact & Conclusions for Special Use Permit # 006-2023

G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.

Applicant Response: There is a need for new construction townhomes in the city and county. This type of development helps retain and even grow the population which in turn is good for all surrounding businesses.

Staff Analysis: The addition of the duplex could increase the number of citizens looking to recreate or shop in the local area.

H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.

Applicant Response: Proposed development will help to support economic development for Cascade County.

Staff Analysis: The proposed duplex will not negatively impact economic development efforts.

I. Encourage the growth of the agricultural economy.

Applicant Response: Proposed development will not have an impact on the local agricultural economy.

Staff Analysis: This project will not negatively impact the agricultural economy. The proposed duplex will be placed in an approved subdivision.

J. Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy.

Applicant Response: Proposed development will be using energy methods supplied to the existing land.

Staff Analysis: This Application does not propose the use of wind energy or other alternate methods of energy production.

Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.

Objectives:

A. Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.

Applicant Response: Proposed development will be landscaped in a tasteful fashion and in accordance with surrounding housing.

Findings of Fact & Conclusions for Special Use Permit # 006-2023

Staff Analysis: According to the USDA Web Soil Survey¹, the Subject Property is considered farmland if irrigated of statewide importance. The land went through subdivision review for residential use of the subject lot.

B. *Preserve Cascade County's scenic beauty and conserve its forests, rangelands, and streams, with their abundant wildlife and good fisheries.*

Applicant Response: Proposed development will be landscaped in a tasteful fashion and in accordance with surrounding housing.

Staff Analysis: The placement of the duplex is not anticipated to impact Cascade County's scenic beauty.

C. *Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.*

Applicant Response: The design of the proposed development has been well thought out. There is a need for new townhomes in the city and county.

Staff Analysis: The Peace Park Subdivision was approved and filed in 2021 and is located near the City of Great Falls.

D. *Assure clean air, clean water, a healthful environment, and good community appearance.*

Applicant Response: Proposed development will not have an impact on the air and water. Development will provide very good community appearance.

Staff Analysis: The subject property will need to obtain approval from the City/County Health Department for water/wastewater of the duplex (see Condition #4). The placement of the duplex will align with surrounding residential development.

E. *Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production.*

Applicant Response: Proposed development will not have an impact on natural resources.

Staff Analysis: The placement of the duplex will not have a negative impact on natural resource development.

¹ <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

Findings of Fact & Conclusions for Special Use Permit # 006-2023

F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields processes.

Applicant Response: Proposed development will not have an impact on any superfund or brownfield properties.

Staff Analysis: According to the EPA Cleanups in my Community Map² the subject property is not located within a Superfund or Brownfields site.

Goal 3: Maintain Agricultural economy

A. Protect the most productive soil types.

Applicant Response: Most productive soil types will be saved and utilized for topsoil.

Staff Analysis: According to the USDA Web Soil Survey³, the Subject Property is considered farmland if irrigated of statewide importance. The land went through subdivision review for residential use of the subject lot.

B. Continue to protect soils against erosion.

Applicant Response: All disturbed soils will be controlled and replanted with natural grass as soon as possible.

Staff Analysis: The Department does not anticipate a significant effect on soil erosion from the placement of this duplex. Any adverse effects of the increased impervious surfaces were considered and addressed in the subdivision review process.

C. Protect the floodplain from non-agricultural development.

Applicant Response: Proposed development is not in the floodplain.

Staff Analysis: According to FEMA Firm Panel⁴ #30013C0604E the location of the Subject Property is not in a regulated floodplain area.

D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.

Applicant Response: Proposed development will not have an impact on the agricultural industry.

² https://ordspub.epa.gov/ords/cimc/f?p=cimc:map:::71:P71_WELSEARCH:NULL|Cleanup|||false|false|true|false|false|false||sites|Y

³ <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

⁴ [FEMA Flood Map Service Center | Search By Address](#)

Findings of Fact & Conclusions for Special Use Permit # 006-2023

Staff Analysis: The proposed duplex will not negatively affect the agriculture industry.

Goal 4: Retain the presence of the US Military in Cascade County.

Objectives:

- A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.**
- B. Promote the location of additional military missions in Cascade County.**
- C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.**
- D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.**

Applicant Response: Proposed development will increase housing, which supports US military presence. Proposed development will not conflict with any mission compatible development.

Staff Analysis: The placement of the duplex will not negatively affect military presence. However, the placement of the duplex is in MOD-F of the Military Overlay District which restricts the duplex from exceeding 500 feet in height to prevent interference with the runway. Condition #2 is proposed to ensure this requirement is met.

Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Objectives:

- A. Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.**

Applicant Response: Proposed development will increase housing, which supports the counties growing population.

Staff Analysis: The proposed duplex will likely have little to no impact on Cascade County's citizens' rural lifestyle.

- B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.**

Applicant Response: Proposed development will not have any negative effect on counties heritage or resources.

Staff Analysis: The subject property is not known to be a cultural/historic sites or a archaeological area.

- C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.**

Applicant Response: Proposed development will be landscaped and irrigated. Mitigating extreme fire hazards.

Findings of Fact & Conclusions for Special Use Permit # 006-2023

Staff Analysis: The proposed duplex will be serviced by the Gore Hill Fire Department. The Peace Park Subdivision has a fire suppression system. Condition #3 is being imposed to ensure the residences are properly addressed so that in the event of an emergency, first responders can easily locate the property.

D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.

Applicant Response: Proposed development will create tax base, which in turn supports local education programs.

Staff Analysis: The placement of the duplex will not negatively affect continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.



Cascade County Special Use Permit Application

Cascade County Planning & GIS Department
121 4th St N, Suite 2H/I
Great Falls, MT 59401
Phone: 406-454-6905 Fax: 406-454-6919

Permit No: _____
App. No.: 206-2023
Applied Date: 2/22/23

General Information

A Special Use Permit (SUP) is required for uses in which conformance to additional standards will be required due to characteristics that are unique and special to the use. SUPs are to be issued for one specific use and are required for each tract of land. Legally issued SUPs shall expire one year after the date of approval if construction, or the use permitted, has not started. A one-time only six (6) month extension may be granted by the Zoning Board of Adjustment (ZBOA) upon request. SUP applications require a non-refundable application fee of five hundred dollars (\$500.00). If a SUP is applied for after the fact or construction/use starts before a permit is issued, then a non-refundable Application fee of seven hundred and twenty-five dollars (\$725.00) is required. Each SUP application shall be accompanied by a Location/Conformance (L/C) Permit application for changes in use and/or structures associated with the SUP application. The L/C Permit application fee is **included** in the SUP application fee.

Application Information

Property Owner Name: Karl J Birky
Applicant Name: Karl J Birky
Application Type: ☐ Change of Use ☒ New Structure(s)
Special Use Call Out: _____

Understanding the Regulations

The proposed use must be specifically mentioned as a category in Uses Permitted Upon Issuance of a Special Use Permit within Section 7 of the Cascade County Zoning Regulations. Portions of the County Zoning Map and the Zoning Regulations are available at the Cascade County Website at <https://www.cascadecountymt.gov/245/Planning>.

Steps of the Application Process

- (1) Schedule a Pre-Application meeting with planners to ensure the project will meet the standards for Special Use Permits as outlined within Section 7 of Cascade County's Zoning Regulations.
- (2) Complete, sign and submit a Special Use Permit application, Location/Conformance Permit application and a Use Statement Form, with the \$500.00 non-refundable application fee to Planning Staff.
- (3) Diagrams, business plans, photographs and other documents may be requested as part of a complete application, depending on the applicant's proposal.
- (4) Planning Staff will notify interested agencies of the proposed project to request comments for the application.
- (5) Planning Staff will schedule a public hearing before the *Cascade County Zoning Board of Adjustment*;
- (6) Legal notice will be published twice in the Great Falls Tribune with at least six (6) days separating each publication.
- (7) Notice will be sent to all adjacent landowners via certified mail.
- (8) Planning Staff will present the application to the Zoning Board of Adjustment along with recommendations, based on findings of facts.
- (9) The *Zoning Board of Adjustment* will make a determination on the application; three (3) affirmative votes are needed to issue the permit.

- (10) Upon written notice from the Planning Staff, the applicant may begin the permitted special use.
- (11) Permits may be revoked or expire for the following reasons:
- The *Zoning Board of Adjustment* finds them in violation of the conditions of the permit or another regulation/ordinance.
 - Approval is valid for one particular use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only 6 month extension on the Zoning Board of Adjustment Approval.
 - The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any future extension requests must be granted by the Zoning Board of Adjustment prior to the date of expiration.

SUP General Impacts Criteria

Explain how the proposed use contributes to, hinders, or otherwise impacts each of the criteria below. All criteria must be discussed. If criteria are not applicable, please explain why. Attach drawings, additional text, site plans, and any other documents that will assist staff and the board in reviewing the proposed use. The more information you can provide, the easier it is for staff and the *Zoning Board of Adjustment* to review the application.

- (1) The proposed development will not materially endanger the public health or safety.
- Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersections and approaches:

Proposed development will not endanger the public health or safety. Additional traffic will be very minimum, an additional one or two vehicles a day traveling on adjacent road.

- Provision of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection:

Proposed development will not ~~effect~~ effect services and all utilities are either on the property or will be installed (well + septic)

- Soil erosion, sedimentation, and stormwater run-off:

Proposed development will not effect the public health. We will not be changing grades to effect run off or move enough dirt to effect erosion

- Protection of public, community, or private water supplies, including possible adverse effects on surface waters or ground water:

Proposed development will have its own independent water supply approved by the DEQ and therefore will have no impact on surrounding private or public water supplies.

- (2) The proposed development is a public necessity or will not substantially impact the value of adjoining property.
- a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Each townhome unit is a single family dwelling unit in character with all surrounding homes.

- b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as to justify it regardless of its impact on the value of adjoining property.

Proposed development poses no risk to the public health and safety and general welfare

- (3) The proposed development will be in harmony with the area in which it is located.
- a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Each townhome will be in the 450,000 to 550,000 value range - The design and color scheme will be professionally designed to fit in within the surrounding developments - Proposed development should have a positive impact on surrounding properties

- b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

Proposed development is consistent with current Growth Policy

SUP Growth Policy Criteria

Explain how the proposed use will be consistent with each of the Cascade County Growth Policy goal objectives. All objectives must be discussed. If an objective is not applicable, please explain why. The more information you can provide, the easier it is for staff and the Zoning Board of Adjustment to review the application.

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

Objectives:

- A. Stimulate the retention of existing businesses and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.

There is a need for new construction townhomes in the city and county. This type of development retains or even can grow the population, which in turn is good for all surrounding businesses

- B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.

There is a need for new construction townhomes in the city and county. This type of development helps retain or even grow the population which in turn is good for all taxpayers.

- C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunication, and youth/social services.

Proposed development is not a business development.

- D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.

Proposed development will have no impact on cultural resources. The construction and resulting tax base will help with the counties economic base.

- E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.

Proposed development will help create more jobs for local contractors and sub contractors.

- F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chamber of commerce, development organizations and business roundtable organizations.

There is a need for new construction townhomes in the city and county. This type of development helps retain or even grow the population which in turn is good for all surrounding businesses.

- G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.

There is a need for new construction townhomes in the city and county. This type of development helps retain or even grow the population which in turn is good for all surrounding businesses.

- H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.

Proposed development will help to support economic development for Cascade County.

- I. Encourage the growth of the agricultural economy.

Proposed development will not have an impact of the local agricultural economy.

- J. Stimulate the growth of the economy by encouraging the use of alternative methods of energy production, including wind energy.

Proposed development will be using energy methods supplied to the existing land.

Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with natural resource development.

Objectives:

- A. Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.

Proposed development will be landscaped in a tasteful fashion in accordance with surrounding housing.

- B. Preserve Cascade County's scenic beauty and conserve its forests, rangeland and streams, with their abundant wildlife and good fisheries.

Proposed development will be landscaped in a tasteful fashion in accordance with surrounding housing.

- C. Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.

The design of proposed development has been well thought out. There is a need for new townhomes in the city and county.

- D. Assure clean air, clean water, a healthful environment and good community appearance.

Proposed development will not have an impact on the air or water. Development will provide a very good community appearance.

- E. Support the development of natural resources including but not limited to timber, mining, oil and gas production and renewable energy production.

Proposed development will not have an impact on natural resource development.

- F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields processes.

Proposed development will not have an impact on any Superfund or Brownfields properties

Goal 3: Maintain agricultural economy.

Objectives:

- A. Protect the most productive soil types.

Most productive soil types will be saved and utilized for topsoil.

- B. Continue to protect soils against erosion.

All disturbed soils will be controlled and replanted with natural grass as soon as possible

- C. Protect the floodplain from non-agricultural development.

Proposed development is not in the floodplain

- D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.

Proposed development will not have an impact on the agricultural industry.

Goal 4: Retain the presence of the US Military in Cascade County

Objectives:

- A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.

Proposed development will increase housing, which supports US military presence.

- B. Promote the location of additional military missions in Cascade County.

Proposed development will increase housing, which supports US military presence.

- C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.

Proposed development will increase housing, which supports US military presence.

- D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.

Proposed development will not conflict with any mission compatible development.

Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Objectives:

- A. Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.

Proposed development will increase housing, which supports the country's growing population.

- B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.

Proposed development will not have any negative effects on country's heritage or resources.

- C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wildland-urban interface.


Proposed development will be landscaped and irrigated, mitigating extreme fire hazards.

- D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.

Proposed development will create tax base, which in turn supports local education programs

ATTEST: I hereby certify that the information given herein is true and correct to the best of my knowledge. There are no restrictions placed upon my property which would prohibit the issuance of this permit. If there are any restrictions, then this permit shall become null and void. I hereby grant permission to any Cascade County Zoning Official to enter my property to inspect for compliance with the County Zoning Regulations in relation to this application.

Printed Name of Applicant: KARL BIRKY Date: 2-22-23

Signature of Applicant:  Date: 2-22-23

Printed Name of Property Owner: KARL BIRKY Date: 2-22-23

Signature of Property Owner:  Date: 2-22-23

Office Use Only

Fee: ☒ Application Package \$500.⁰⁰
☐ After the Fact \$725.⁰⁰
(Includes L/C Application)

Payment Type: ☒ Check No.: 1113 ☐ Cash ☐ Electronic

Payment

Date Application Received: 2/22/23

Application Number: 2023-0006-2023

Public Hearing Date: _____

☐ Completed L/C Application(s) ☐ Completed Use Statement

Application Approved On: _____

Associated Permit/Approvals Number(s): _____

Approved Permit No.: _____

Approved by (staff): _____

Review Items

SUP General Impacts Applicant Response Review

1.a.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient	2.a.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
1.b.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient	2.b.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
1.c.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient	3.a.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
1.d.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient	3.b.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient

SUP Growth Policy Criteria Applicant Response Review

Goal 1. A.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. B.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. C.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. D.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 1. E.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
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Goal 3. D.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
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Goal 5. B.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 5. C.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient
Goal 5. D.	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Sufficient



HOME A

FIRST FLOOR 1762 SF
3 BEDROOM, 2 BATH
2 CAR GARAGE 620 SF
SHOP AREA 233 SF

HOME B

FIRST FLOOR 1762 SF
3 BEDROOM, 2 BATH
2 CAR GARAGE 620 SF
SHOP AREA 233 SF

CRAWL SPACE FOUNDATION -
NO STEP - ONE LEVEL HOMES

KIB HOMES

ADDRESS:

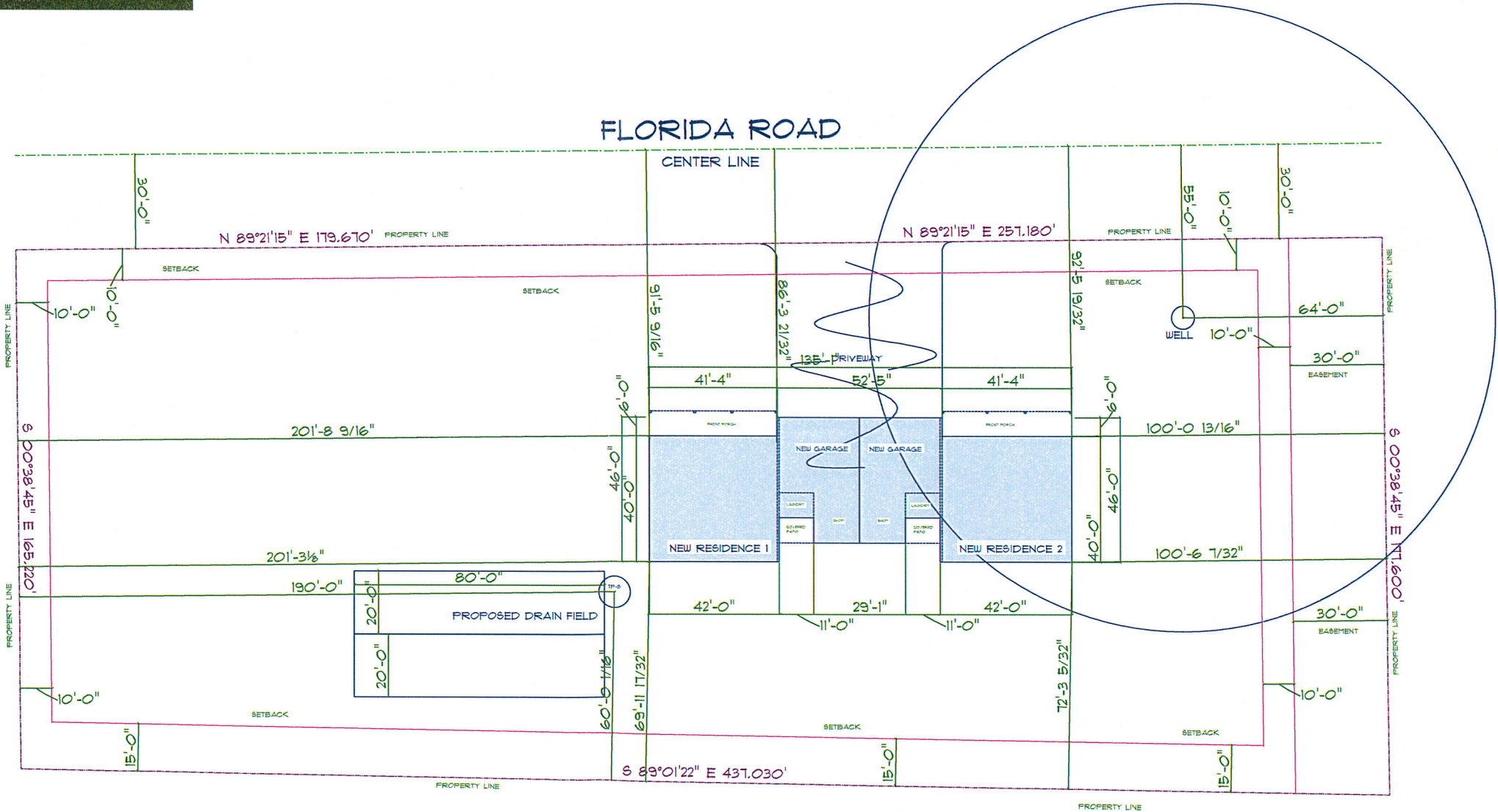
T.B.D. ST. FLORIDA ROAD
GREAT FALLS, MT 59504

LEGAL:

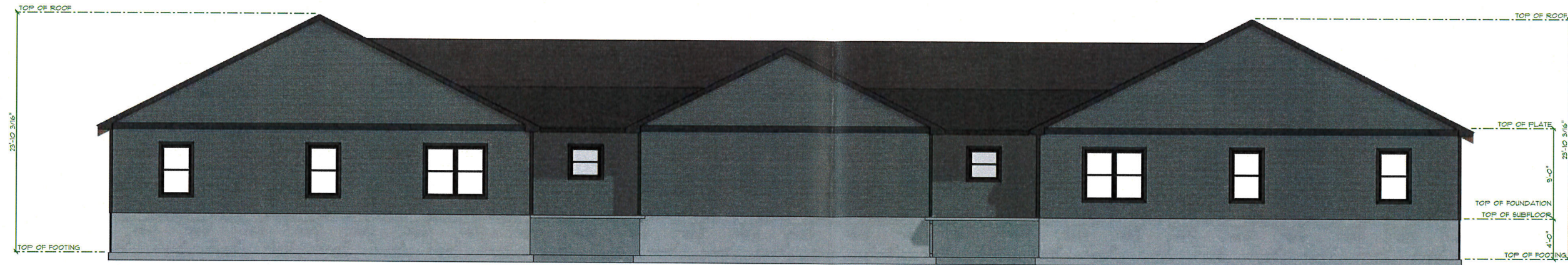
PEACE PARK SUBDIVISION
BLOCK 2, LOT 7
S34, T20 N, R03 E,
TRACT OF RECORD 3 OF COS #5119

TABLE OF CONTENTS

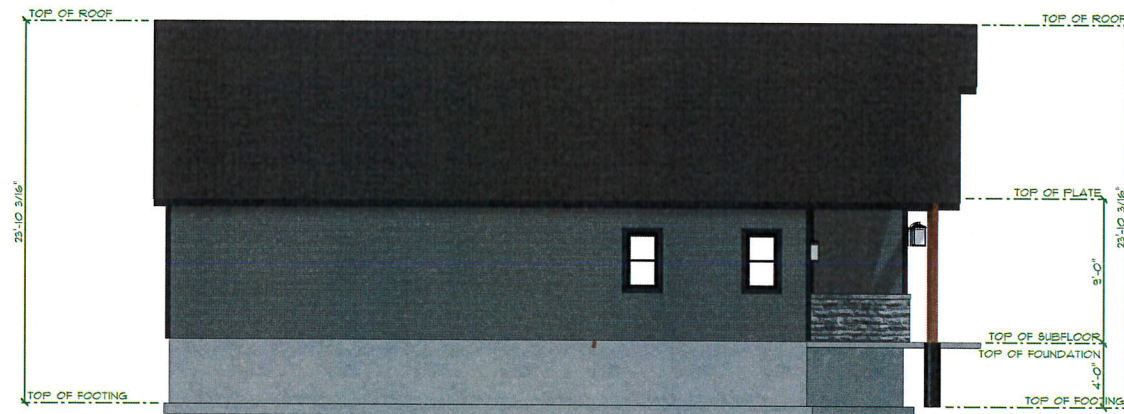
- PAGE 1 - SITE
- PAGE 2 - ELEVATIONS
- PAGE 3 - FOUNDATION
- PAGE 4 - MAIN FLOOR
- PAGE 5 - MAIN FLOOR - ELECTRICAL
- PAGE 6 - DETAILS



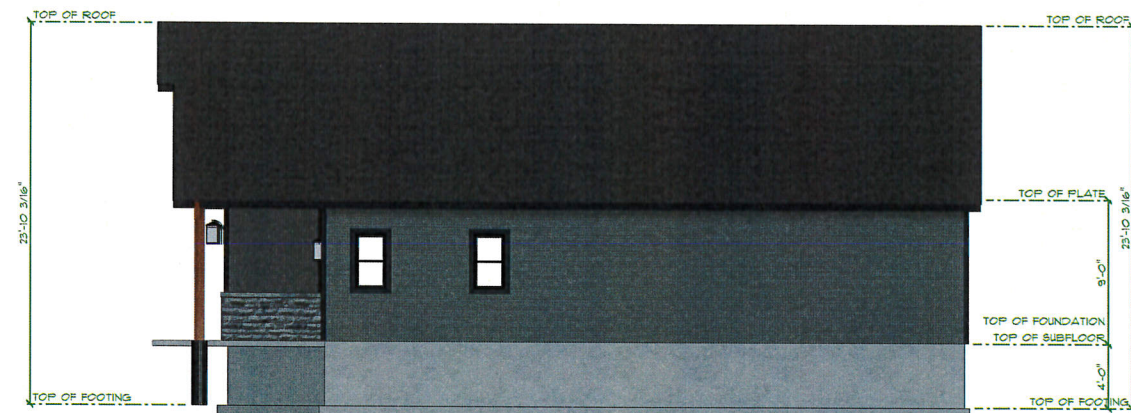
SITE
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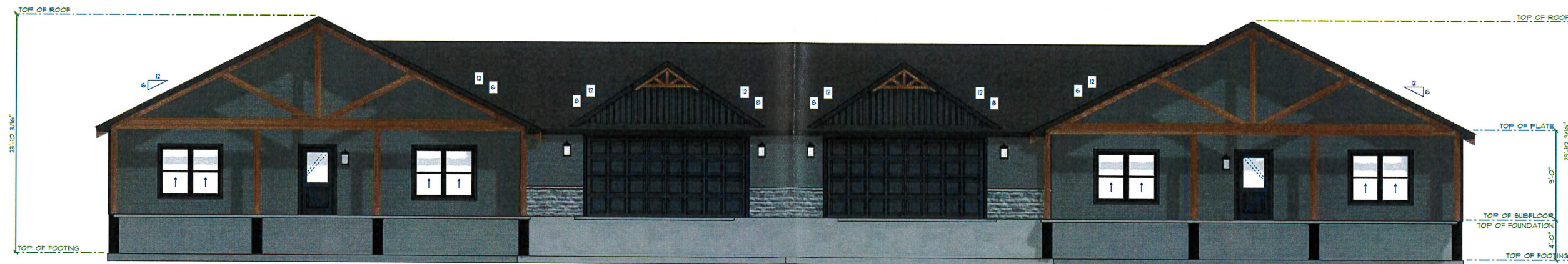
NORTH ELEVATION
SCALE: 3/16" = 1'-0"



WEST ELEVATION
SCALE: 3/16" = 1'-0"

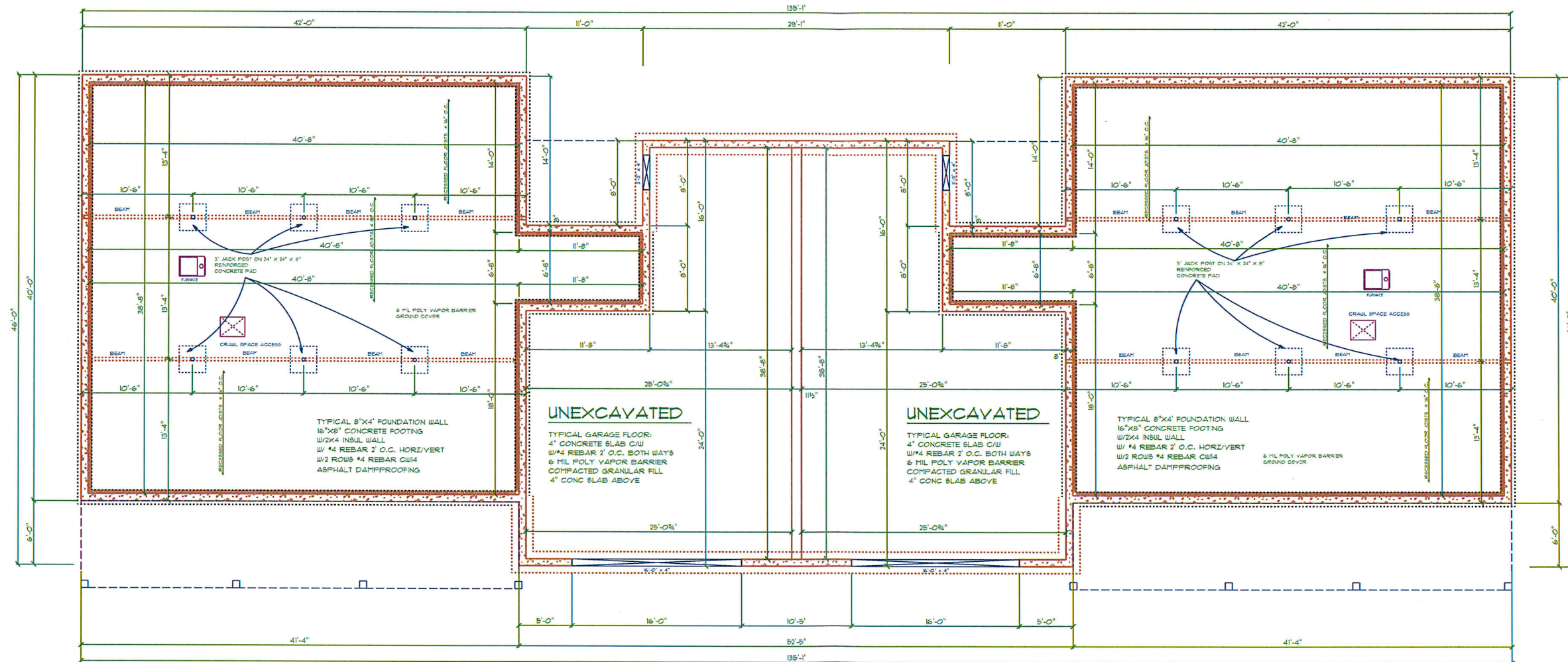


EAST ELEVATION
SCALE: 3/16" = 1'-0"



SOUTH ELEVATION
SCALE: 3/16" = 1'-0"

NOTE: RECESSED FLOOR JOISTS - ONE LEVEL HOME - NO STEP ENTRY



KIB-329 Duplex Florida Rd., Lot 7

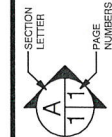


2743 Vaughn Rd.
Great Falls, MT 59404
PHONE: 406-781-3062
Office@kibhomes.com

SCALE: 3/16" = 1'-0"

DRAWN BY: LH/MM

DATE: Monday, December 13, 2022

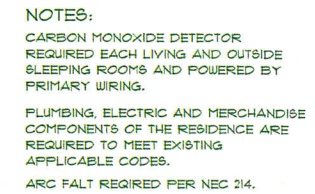


APPROVED:

CHECKED BY:

PAGE: 3/6

3FOUNDATION

[HOME B](#)

NOTE: RECESSED FLOOR JOISTS - ONE LEVEL ENTRY

WINDOW SCHEDULE				
OPENING ID	PRODUCT CODE	LIBRARY NAME	SIZE	COUNT
4	3030	Manufacturer: Andersen - 10C Single Hung	2'-11 1/2" x 2'-11 1/2"	2
1	3050	Manufacturer: Andersen - 10C Single Hung	2'-11 1/2" x 4'-11 1/2"	16
2	2036	Manufacturer: Andersen - 10C Single Hung	1'-11 1/2" x 3'-5 1/2"	4

4/6
5 MAIN FLOOR

APPROVED:

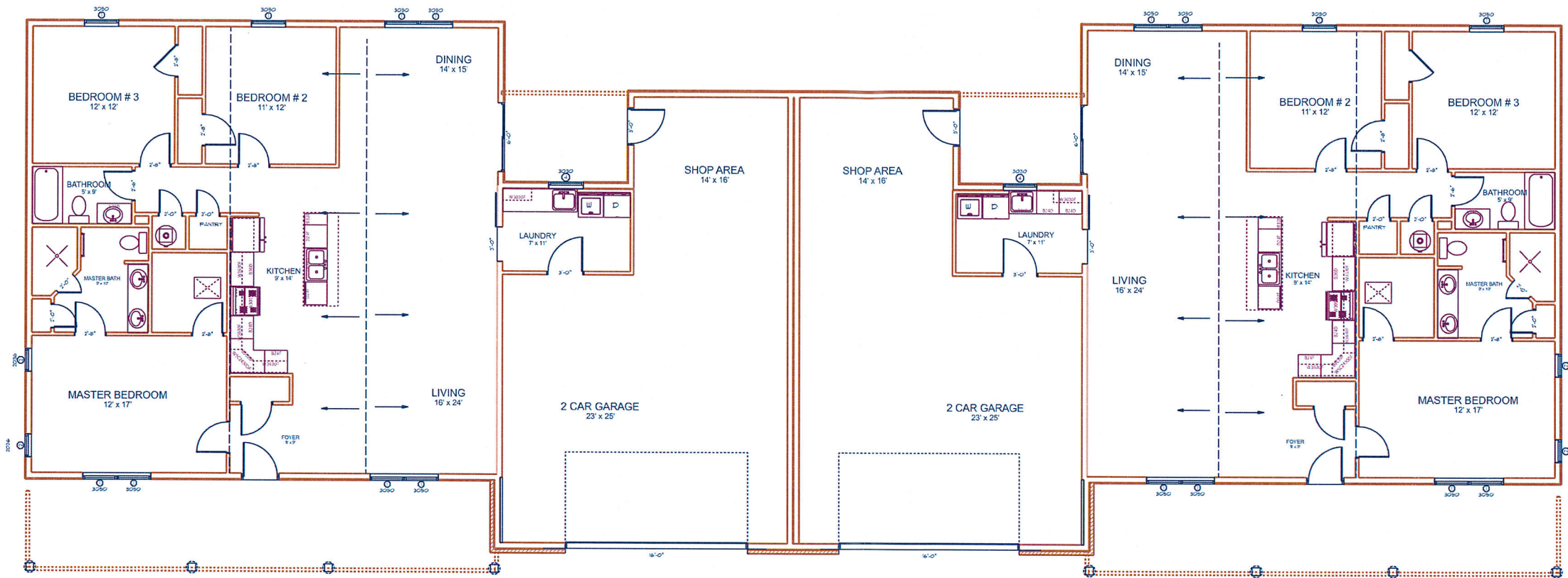
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DRAWN BY: LH/MM
DATE: Monday, December 1, 2008

KIB-329 Duplex Florida Rd., Lot 7

PHONÉ



2743 Vaughn Rd.
Great Falls, MT 59404
PHONE: 406-781-3052
Office@kitphomes.com



AREA SCHEDULE		
NAME	COLOR	AREA
Grass Floor Area		1,192.7 sq. ft.

HOME A

NOTE: RECESSED FLOOR JOISTS - ONE LEVEL ENTRY

WINDOW SCHEDULE				
OPENING ID	PRODUCT CODE	LIBRARY NAME	SIZE	COUNT
1	2030	Manufacturer/Anderson 100 Single Hung	2'11 1/2" x 2'11 1/2"	2
2	2030	Manufacturer/Anderson 100 Single Hung	2'11 1/2" x 2'11 1/2"	16
3	2030	Manufacturer/Anderson 100 Single Hung	2'11 1/2" x 2'11 1/2"	4

AREA SCHEDULE		
NAME	COLOR	AREA
Grass Floor Area		1,192.7 sq. ft.

HOME B

NOTE: RECESSED FLOOR JOISTS - ONE LEVEL ENTRY

4MAIN FLOOR - ELECTRICAL
SCALE: 3/16" = 1'-0"

KIB-329 Duplex Florida Rd., Lot 7

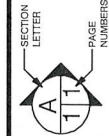


2743 Vaughn Rd.
Great Falls, MT 59404
PHONE: 406-781-3032
Office@kibhomes.com

SCALE: 3/16" = 1'-0"

DRAWN BY: LH/MM

DATE: Monday, December 19, 2022



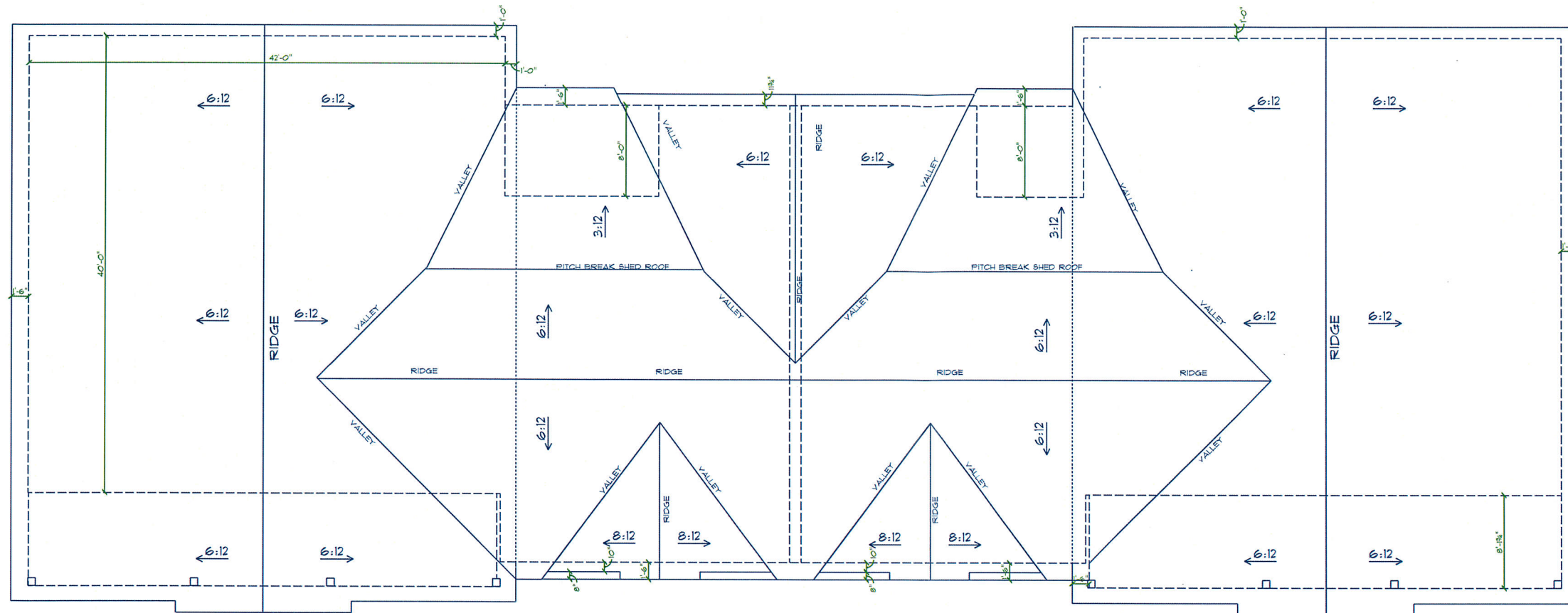
APPROVED:

CHECKED BY:

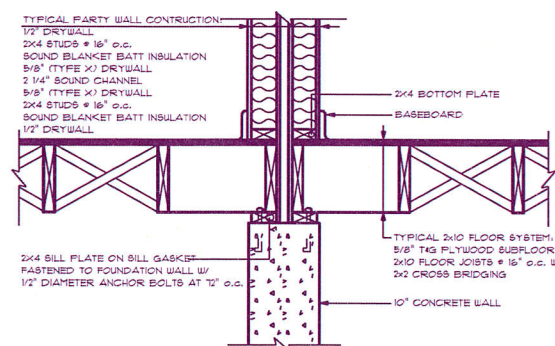
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5/6

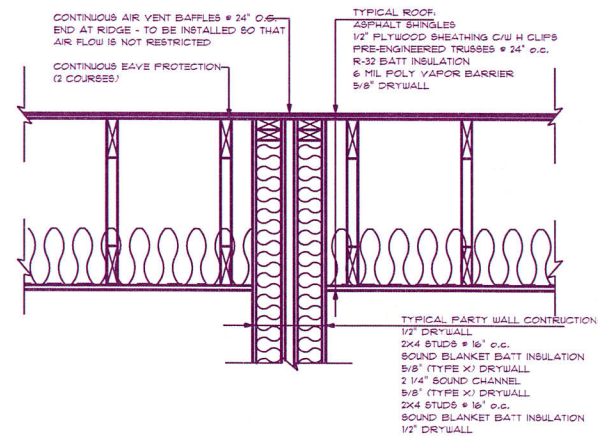
6MAIN FLOOR ELECTRICAL



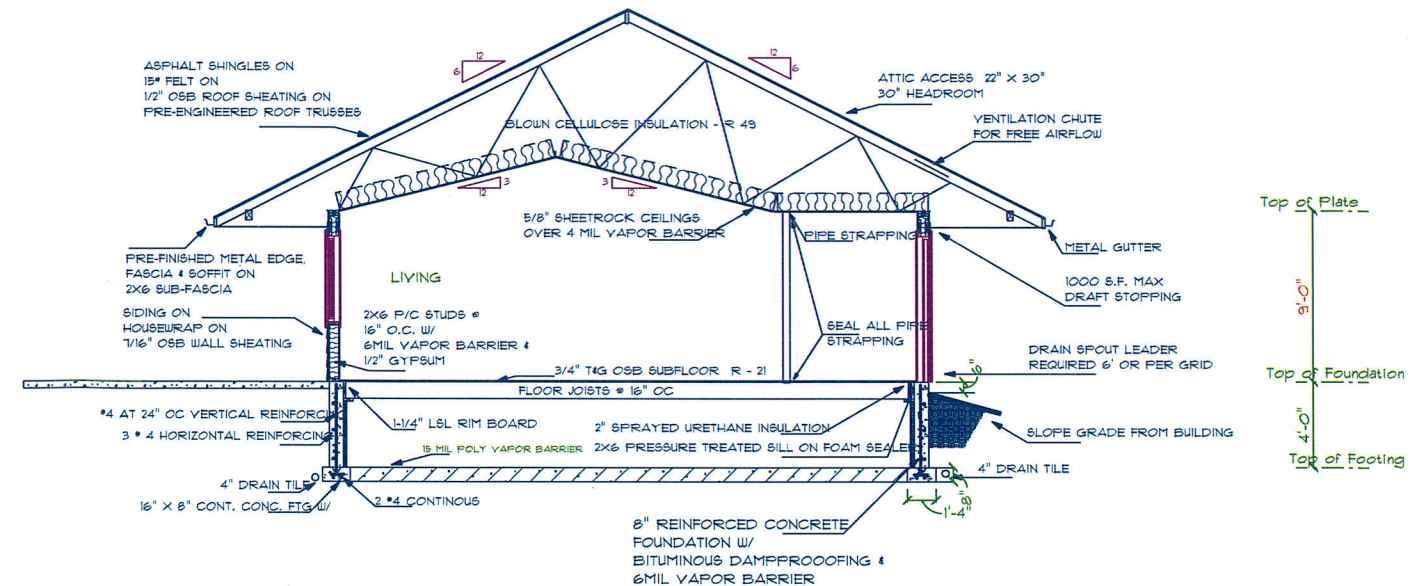
ROOF DETAILS
SCALE: 3/16" = 1'-0"



2x4/PARTY WALL AT FLOOR

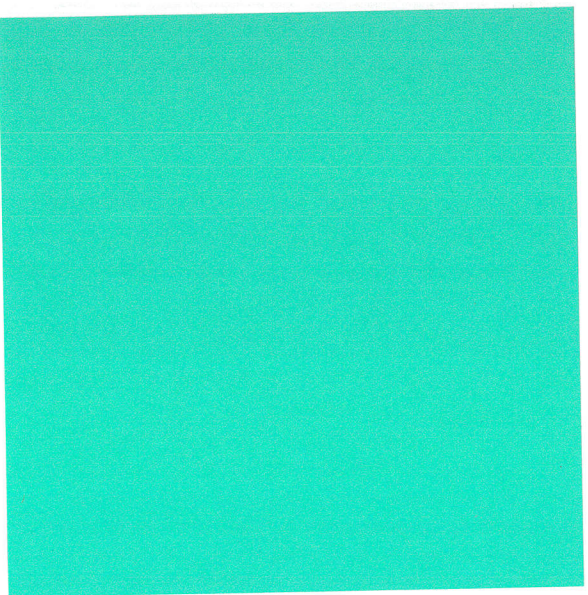


2x4/PARTY WALL AT ROOF

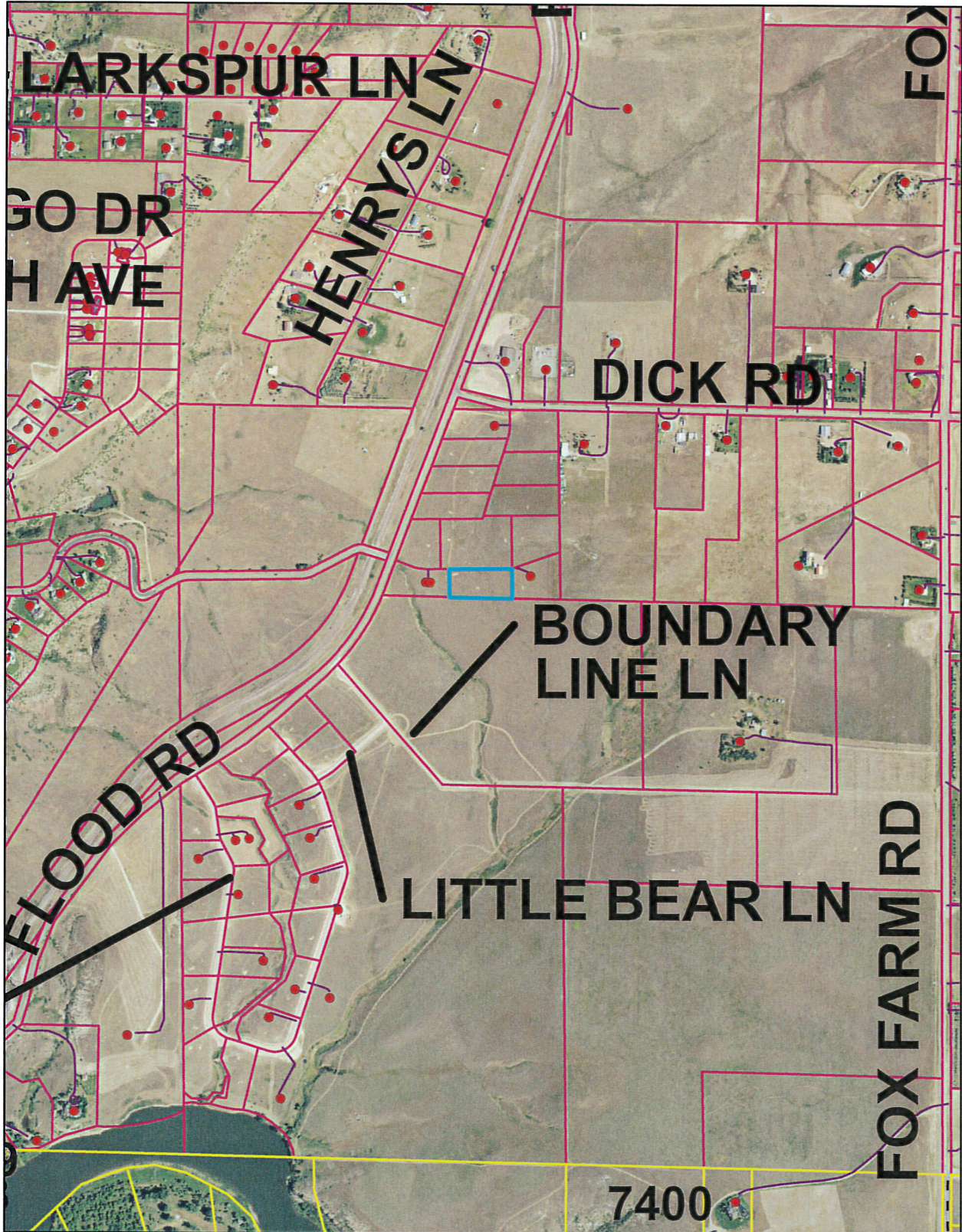


WALL SECTION TYP.
SCALE: 1/4" = 1'-0"

WALL SECTION I
SCALE: 1" = 1'-0"

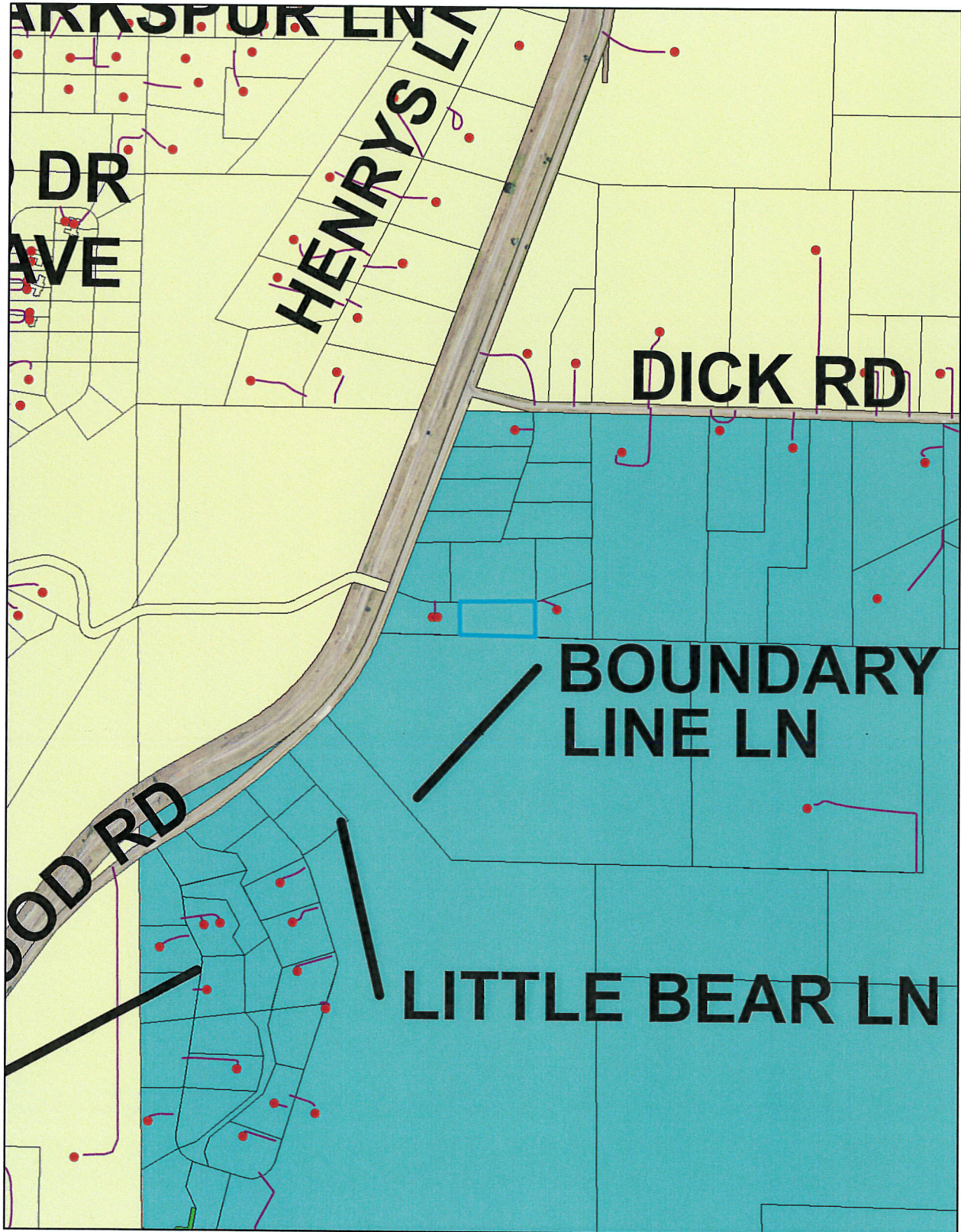


Birky Vicinity Map



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Birky Zoning Map



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- (16) Public Institution.
- (17) Public Safety Facility.
- (18) Retirement Home.
- (19) Worship Facility, where off-street parking is provided as set forth in Section 8.4.

7.2.3 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PRINCIPAL USE

- (1) Accessory Building/Structure (i.e. carport, bathhouse, greenhouse, gardening shed, recreation room and similar structure) which is customarily used in conjunction with and incidental to a permitted principal use or structure.
- (2) Customary Home Occupation (see definition of Home Occupation and Section 8.16).
- (3) Private Garage (accessory use only).
- (4) Professional Office in a Residence.
- (5) Tower and Studio Facilities related to radio, television broadcasting stations, telecommunications, amateur radio station and/or antenna meteorological towers, residential wind turbines not to exceed 50 kW, Amateur Radio operations, subject to the requirements in Section 8.8 of these regulations.

7.2.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

- (1) Community Residential Facility with nine occupants or more.
- (2) Excavation of Sand and Gravel.
- (3) Recreation Building or Area operated by membership clubs for the benefit of members and not for gain.
- (4) Second Dwelling, including accessory dwelling units (examples: 1 single family home with garage apartment; or 1 duplex for two families; or two single family homes).
- (5) Structures meeting the definition of accessory building/structure but without a principal use – residential use only; no commercial use allowed, (not accessory, stand-alone structure).
- (6) Tourist Home.
- (7) Utility Installation, Minor.

7.2.5 GENERAL REQUIREMENTS AS PER SECTION 7.1.

7.3.3 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE

- (1) Accessory Building / Structure (i.e. carport, bathhouse, greenhouse, gardening shed, recreation room and similar structure) which is customarily used in conjunction with and incidental to a permitted principal use or structure.
- (2) Customary Home Occupation (see definition of Home Occupation and Section 8.16).
- (3) Private Garage (accessory use only).
- (4) Professional Office in a Residence.
- (5) Tower and Studio Facilities related to radio, television broadcasting stations, telecommunications, amateur radio station and/or antenna meteorological towers, residential wind turbines not to exceed 50 kW, Amateur Radio operations, subject to the requirements in Section 8.8 of these regulations.

7.3.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

- (1) Use permitted upon issuance of a special permit as set forth under RR-5 District regulations may be used in the SR-1 and SR-2 Districts.
- (2) Bed and Breakfast.

7.3.5 GENERAL REQUIREMENTS AS PER SECTION 7.1.

SECTION 10. STANDARDS FOR SPECIAL USE PERMITS

10.1 GENERAL PROVISIONS

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

A Special Use Permit may be issued only upon meeting all requirements in these regulations for a specific use which is explicitly mentioned as one of the "Uses Permitted Upon Issuance of a Special Use Permit" within the respective zoning districts contained in Section 7 or Section 8.1.5 hereof. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Special Use Permit. A separate Special Use Permit shall be required per each tract of land. The Special Use Permit fee shall be that listed in the Cascade County Planning Department's Fee Schedule.

10.2 REQUIRED PLAN

An Applicant must notify the Planning Department and request a pre-application meeting. The pre-application meeting will be scheduled within thirty (30) days of the request. At this meeting, staff will indicate the necessary information, process, and timeline for the special use permit process, including a signed Use Statement Form.

The application for a Special Use Permit must include the following and any additional materials requested by Planning Staff during a pre-application meeting or relevant to the Special Use Permit:

- (1) A Special Use Permit Application signed by the land owner and by the Applicant if different from the land owner.
- (2) A vicinity map of the parcels and surrounding area clearly identifying the location of the property.
- (3) A legal description of the property.
- (4) A lot layout plan may be required indicating some or all of the following:
 - a. Identify any covenants, liens, easements, or any other encumbrances upon the parcel. If a description will not suffice, provide copies or exhibits when necessary.
 - b. The land area of the parcel (found on deed, subdivision plat or certificate of survey at the County Clerk and Recorder's Office or Planning Department).
 - c. Describe the existing land use of the parcel and neighboring areas.
 - d. Describe the anticipated impact upon neighboring property.
 - e. On a Site Plan, indicate the dimensions of the property under

consideration, the size and placement of existing structures, parking areas and landscaping areas.

- f. On a Site Plan, indicate the location of existing curb cuts or access points, traffic access and circulation, drives, signs, exterior lighting, required yards and open spaces, landscaping, and screening.
- g. On a Site Plan, indicate the location of any existing utilities such as water, sewer, gas, electricity, storm sewer, rivers, creeks, streams, irrigation ditches, easements, historical land marks, or any other items that may affect the application and/or other pertinent information as required in Section 10.5 that may be necessary to determine if the special use meets the requirements of these regulations.

10.3 PUBLIC NOTIFICATION

A public hearing shall be required for all special use permit applications heard by the ZBOA. Notice shall be provided for as set by MCA § 7-1-2121. The notice shall be published in a newspaper of general circulation in Cascade County, twice with at least six (6) days separating each publication.

The owner of the property for which a special use is sought, or their agent and all adjacent land owners shall be notified of the hearing by certified mail. At the public hearing, the ZBOA will hear testimony from proponents and opponents of the special use permit application. After the public hearing is closed, the ZBOA may approve, deny, approve with conditions, or table for further consideration until the next ZBOA meeting, the special use permit.

10.4 EXPIRATION

A Special Use Permit Application, once deemed sufficient and prior to the hearing by the ZBOA, shall be scheduled for the next Board meeting unless a hold request is submitted. Only the Applicant may submit a hold request to the Planning Department and a hold request must include a set timeline for lifting the hold. No request to place an application on hold shall exceed six (6) months. An application shall expire after being on hold for six (6) months, or a material change to the application has been submitted. Upon expiration, a new Special Use Permit must be applied for.

The ZBOA approval of the Special Use Permit shall be valid for only one particular use and shall expire one year after the date of the approval if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension on the ZBOA approval.

The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the ZBOA prior to the date of expiration.

10.5 EXISTING VIOLATIONS

No permit shall be issued for a special use where there is an existing violation of these regulations or any other existing violations of Cascade County, State, or Federal Regulations or laws, or for delinquent county taxes.

10.6 STANDARDS APPLICABLE TO ALL SPECIAL USES

Before the ZBOA can approve any Special Use Permit, it must first reach each of the following conclusions:

- (1) Conditions may be required that the ZBOA determines if implemented, will mitigate potential conflicts in order to reach these conclusions.
- (2) The proposed development will not materially endanger the public health or safety. Considerations are the following:
 - a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersections and approaches.
 - b. Provision of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.
 - c. Soil erosion, sedimentation, and storm water runoff.
 - d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.
- (3) The proposed development will not substantially injure the value of adjoining property or is a public necessity.-Considerations are the following:
 - a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.
 - b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as a whole as to justify it regardless of its impact on the value of adjoining property.
- (4) The proposed development will be in harmony with the area in which it is located. Considerations are the following:
 - a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.
- (5) The proposed development will be consistent with the Cascade County Growth Policy. Considerations are the following:
 - a. Consistency with the Growth Policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its locational standards.
 - b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

10.7 OPERATIONS

Operations in connection with Special Use Permits shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

10.8 STAFF REVIEW

After an application is reviewed by the Planning Staff and deemed to be complete, staff will proceed with notification of adjoining property owners, posting of the notification of public hearings, and determine the date, time, and place for the public hearing to occur before the ZBOA.

10.9 ZONING BOARD OF ADJUSTMENT REVIEW

In reviewing Special Use Permit Applications, the ZBOA will hold a public hearing to allow the staff, petitioner, and other interested parties to present competent, substantial, and material factual evidence relating to the required conclusions. The Board will then discuss the petition and make findings of fact supported by the presented evidence. Based on those findings, the Board will decide whether or not it can reach each of the required conclusions. The Board may approve a petition only if it reaches all of the required conclusions. The Board may approve a petition subject to conditions reasonably necessary to carry out the purposes of this ordinance.

Note: The petitioner bears the burden of presenting sufficient factual evidence to support findings of fact that allow the Board to reasonably reach each of the required conclusions.

After hearing presented evidence and the Board's discussion, the petitioner may ask the Board's permission to revise the petition to address raised concerns. If the Board grants the request, the Board may either adjust conditions to the Special Use Permit or table the review process until the next ZBOA meeting to allow all interested parties the ability to submit additional comments to the revised petition.

If the petition is approved, the Planning Staff will prepare and issue the petitioner a Conditional Letter of Approval indicating the conditions upon which the Special Use Permit will be issued. Once the petitioner satisfies the conditions set forth by the ZBOA, the Planning Staff will issue the Special Use Permit.

10.10 APPEALING ZONING BOARD OF ADJUSTMENT DECISION

Appeals of the ZBOA decision shall follow the process as outlined in Section 12 of these regulations.

10.11 REVOCABILITY

A violation of a Special Use Permit will be treated as any other violation under Section 13 of these regulations.